



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRR-1301-2012(O&M)
Date of decision: 29.07.2025

Pardeep Kumar and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jatinder Jit Kaur, Advocate,
for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision has been preferred against the judgment dated 17.04.2012, passed by learned Additional Sessions Judge, Kapurthala, vide which, judgement of conviction and order on quantum of sentence dated 04.11.2011, passed by learned Judicial Magistrate Ist Class, Phagwara, have been upheld, in case stemming from FIR No.209, dated 07.12.2005, under Sections 324/323/506/34 of IPC, and the petitioners were sentenced as under:

Offence under Section(s)	Sentence
324/34 IPC	Rigorous imprisonment for 8 months and fine of Rs.200/-
323/34 IPC	Rigorous imprisonment for 6 months and fine of Rs.100/-
506 IPC	Rigorous imprisonment for 2 months and fine of Rs.100/-

2. Learned counsel for the petitioners contends that she is not assailing the impugned judgment of conviction dated 17.04.2012 on merits and restricts her prayer to modification of the order on quantum of sentence



to that of the sentence already undergone by the petitioners. As per their custody certificates, the petitioners have undergone actual period of 01 month and 28 days, out of total sentence of 8 months, awarded by learned trial Court and are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioners as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, he does not deserve any leniency.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In **Deo Narain Mandal v. State of UP, (2004) 7 SCC 257**, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

6. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. State of AP, AIR 2017 SC 1166**, has reiterated that the



imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

7. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. It transpires that the petitioners were convicted under Sections 324/323/34 & 506 of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather she has restricted her prayer only qua modification of quantum of sentence.

8. The FIR in the present case was lodged on 07.12.2005 and the petitioners have been suffering the agony of trial for the last more than 10 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates, the petitioners have undergone a period of 01 months and 28 days, out of total sentence of 8 months awarded by learned trial Court and they are not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 324/323/34 & 506 of IPC, this Court is of the opinion that it would



be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

10. Consequently, the present petition is disposed of and the judgment dated 17.04.2012, passed by the learned Additional Sessions Judge Kapurthala, affirming the judgment of conviction is upheld, however, the order of sentence dated 04.01.2011 is modified to the extent that the sentence of rigorous imprisonment for a period of 8 months and the fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(Harpreet Singh Brar)
Judge

29.07.2025

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No