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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRR-840-2012 (O&M)
Date of Decision: 26.03.2025

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BEER SINGH AND ANOTHER

...PETITIONERS

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. The present revision petition is preferred against the judgment dated 07.03.2012 passed by learned Additional Sessions Judge, Panipat vide which judgment of conviction and order on quantum of sentence dated 18.02.2010/19.02.2010 passed by learned Judicial Magistrate Ist Class, Panipat have been upheld, whereby, petitioners have been convicted and sentenced as under:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
323 of IPC	Imprisonment for 06 months each	Rs. 500/- each	Simple imprisonment for 15 days each
325 of IPC	Imprisonment for 03 years each	Rs. 1,000/- each	Simple imprisonment for 01 month each

Both the sentence were ordered to run concurrently.

2. Learned counsel for the petitioners at the outset, contends that during the pendency of present petition, petitioner No. 2-Bihari Lal has expired.
3. In view of the above, present petition stands abated qua petitioner No. 2-Bihari Lal.



4. Learned counsel for the petitioner No. 1 *inter alia* contends that he is not assailing the impugned judgment of conviction dated 07.03.2012 passed by learned Additional Sessions Judge, Panipat on merits and restricts his prayer to modification of the order on quantum of sentence dated 19.02.2010 to that of sentence already undergone by the petitioner No. 1, as he has already undergone a period of 05 months and 22 days(including remission) out of substantive sentence of 03 years imposed upon him.

5. Per contra, learned State counsel opposes the prayer of the petitioner No. 1 on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the said judgment has also been upheld by learned lower Appellate Court and as such, petitioner No. 1 do not deserve any leniency.

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

7. 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.

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8. 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.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. It transpires that the petitioner No.1 was convicted under Sections 323 and 325 read with Section 34 of IPC, for which no minimum punishment has been prescribed. The FIR in the present case was lodged on 23.07.2005 and the petitioner No. 1 has been suffering the agony of trial since the last more than 19 years. As per his custody certificate, he has already undergone a period of 05 months and 22 days (including remission) out of substantive sentence of 03 years imposed upon him. Moreover, learned counsel for the petitioner No. 1 has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 323 and 325 read with Section 34 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner No. 1 is reduced to the period already undergone by him. Since

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his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner No. 1 is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of in the following terms:-

(i) The judgment of conviction dated 07.03.2012 passed by the learned Additional Sessions Judge, Panipat is upheld, however, the order of sentence dated 19.02.2010 is modified to the extent that the substantive sentence of rigorous imprisonment for 03 years with total fine of Rs. 1,500/- with default mechanism awarded to the petitioner No. 1 is reduced to the period of sentence already undergone by him.

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

(HARPREET SINGH BRAR)
JUDGE

26.03.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*