



CRR-1019-2024 (O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRR-1019-2024 (O&M)
Date of Decision: 19.05.2025

Krishan Kumar

...Petitioner

Versus

State of Haryana

.... Respondent

CRR-1025-2024 (O&M)

Krishan Kumar

...Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Krishan Kanha, Advocate, for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

1. These revision petitions involve similar issues and therefore, are being disposed of together and for the sake of brevity, the facts are taken from CRR-1019-2024.

2. The present revision petition has been filed against the impugned judgment dated 03.05.2024 passed by the learned Sessions Judge, Sirsa, in appeal bearing No.CRA-426-2018 modifying the judgment of conviction dated 12.10.2018 and order of sentence dated 17.10.2018 passed by learned JMIC, Ellenabad, Sirsa whereby petitioner has been sentenced to undergo imprisonment for a period of 6 months for offence under Section 325 IPC in case FIR No.310 dated 31.10.2014 under Sections 148, 149, 323, 341, 435, 506 of IPC 1860 and Section 25 of the Arms Act, 1959, P.S, Ellenabd, Sirsa.



3. This case was registered on the statement of Tara Chand who alleged that on 30.10.2014, he, alongwith his brothers Gulshan Lal, Surender Singh and Mange Lal, was working in his fields. At about 9.00 PM.. Hira Lal, Krishan Kumar, Bhim Singh, Bhala Ram, Happay Sardar Himmat Singh along with 4-5 other persons entered into the field and they were armed with weapons. Hira Lal was having pistol, Krishan Lal was armed with gandasi, Bhim Singh was having hockey, Bhala Ram & Happy Singh were having stick of Kassi (Binda). Hira Lal pointed out the pistol towards complainant and his brothers and he asked his companions to inflict injuries upon the complainant and his family members. Upon this, Krishan Kumar gave gandasi blow on the left hand of complainant and Bhim Singh hit hockey on his forehead. Bhala Ram and Happy Singh inflicted injuries on his shoulder and right thigh, on hearing the cries of complainant, his brothers Krishan Kumar and Mange Lal tried to save him but they were also beaten by accused persons and were inflicted injuries on their head, hand, waist. Mukhtiar Singh and Lachi Ram were working in the fields nearby. They came on the spot due to which accused persons fled away while threatening the complainant and his family members regarding dire consequences of death in future. After that, injured were taken to CHC, Ellenabad by one Surender Singh. It is further alleged by complainant that in the hospital, he came to know that accused persons burnt his agriculture produce Le. Nira lying in his field. Complainant alleged that reason for this assault was a dispute between Mange Lal and his in-laws. Infact, wife of Mange Lal wanted separate share in the property and house due to which there was a quarrel between them and to take revenge, accused persons, who are relatives of wife of Mange Lal from her parental house, inflicted injuries upon the complainant and his brothers. On the basis of above complaint,



present FIR was registered. Investigation was conducted during which, accused were arrested. After completion of investigation, report under Section 173 of Cr.P.C. was filed in court by investigating agency.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of the appellate Court and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone a period 2 months and 18 days out of total sentence of 6 months. He further prays that since the FIR in question pertains to the year 2014, a lenient view may be taken while passing an order/ judgment by both the Courts below.

5. On the other hand, learned State counsel opposes the prayer of the petitioner and filed the custody certificate dated 18.05.2025 and submits that the learned Courts below have passed a well-reasoned judgment based on correct appreciation of evidence available on record.

6. I have heard learned counsel for the parties and have gone through the material placed on record.

7. The petitioner has been convicted for causing the injuries to the complainant. Moreover, the FIR in the present case pertains to the year 2014 and the petitioner has already faced the rigors of the trial for more than 10 years.

8. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held 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, the 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.

9. Further, a two-Judges Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

10. A perusal of the judgment of conviction passed by the learned courts below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

11. Since the FIR in the present case was registered on 31.10.2014 and the petitioner has been suffering the agony of trial since the last more than 10 years. Since there is no minimum punishment prescribed under Sections 324/34 Act and keeping in view the fact the FIR is of the year 2014 and the petitioner has faced the rigors of trial for a period of more than 10 years and therefore, while taking a lenient view, this Court is of the opinion

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that it would be in the interest of justice if the sentence awarded to the petitioner is reduced to the period already undergone by him.

12. In view of above, both the revision petitions are **disposed of** by upholding the common judgment dated 03.05.2024 passed by the learned Appellate Court, in appeal and revision, however, the order of sentence are modified to the extent that the sentence of rigorous imprisonment for a period of 6 months imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the fine is increased from Rs.10,000/- to 15,000/- to be paid under Section 357 Cr. P.C. to the injured.

13. A photocopy of this order be placed on the filing of connected petition.

(H.S. GREWAL)
JUDGE

19.05.2025***anil***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No