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

CRR-179-2014 (O&M)
Date of decision: 13.05.2025

Gurmukh Singh

...Petitioner

Versus

Mohinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mayank Aggarwal, Advocate (*Amicus Curiae*)
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 13.10.2011 passed by the learned Sessions Judge, Ferozepur, vide which the respondents/accused have been released on probation and directed to pay Rs.20,000/- as compensation to the complainant/petitioner.

2. The respondents were convicted by the learned Chief Judicial Magistrate, Ferozepur vide judgment dated 20.10.2010 and were sentenced as mentioned below:

Accused	Offence	Sentence
Mohinder Singh	Section 325 of IPC	Rigorous imprisonment for 02 years and to pay fine of Rs.2,000/- in default of which, further undergo rigorous imprisonment for 04 months.
	Section 323 of IPC	Rigorous imprisonment for 06 months and to pay fine of Rs.1,000/- in default of which, further undergo rigorous imprisonment for 01 month.
	Sections 323/34 of IPC	Rigorous imprisonment for 06 months and to pay fine of Rs.1,000/- in default of which, further undergo rigorous imprisonment for 01 month.
Lakhwinder Singh	Section 325 of IPC	Rigorous imprisonment for 02 years and to pay fine of Rs.2,000/- in default of which, further undergo rigorous imprisonment for 04 months.
	Section 323 of IPC	Rigorous imprisonment for 06 months and to pay fine of Rs.1,000/- in default of which, further undergo rigorous



		imprisonment for 01 month.
	Sections 323/34 of IPC	Rigorous imprisonment for 06 months and to pay fine of Rs.1,000/- in default of which, further undergo rigorous imprisonment for 01 month.
Kala Singh	Sections 325/34 of IPC	Rigorous imprisonment for 02 years and to pay fine of Rs.2,000/- in default of which, further undergo rigorous imprisonment for 04 months.
	Sections 323/34 of IPC	Rigorous imprisonment for 06 months and to pay fine of Rs.1,000/- in default of which, further undergo rigorous imprisonment for 01 month.

All the sentences were ordered to run concurrently.

3. The respondents preferred appeal against judgment dated 20.10.2010 which was partly allowed and released on probation by the learned lower appellate Court vide judgment dated 13.10.2011.

4. The facts of the case are that on 30.03.2003 at around 11:30 A.M., the complainant along with his wife had gone to a fodder selling shop for the purchase of fodder. Thereafter, at around 12:00 Noon, the complainant was coming back to his house after purchasing fodder. When he reached about 100 yards ahead of the fodder shop, Mohinder Singh, Lakhwinder Singh and Kala Singh armed with *dangs* were spotted. Mohinder Singh raised *lalkara* to catch the complainant and should not be allowed to escape. Lakhwinder Singh gave *dang* blow with an intention to kill which hit on his head. Mohinder Singh gave a *dang* blow which hit in his chest on the right side. The complainant fell down and Kala gave a *dang* blow which hit on his left bicep. On raising the hue and cry, many people gathered on the spot and his wife also reached there and witnessed the occurrence. The accused fled away from the spot along with their respective weapons and thus, the present case.

5. The petitioner contends that the learned Appellate Court has erred in releasing the accused/respondents on probation despite the serious nature of the offence and the injuries caused to the complainant/petitioner. It is argued



that the ground of prolonged trial had already been considered and rejected by the learned trial Court and the learned Appellate Court has wrongly reversed this finding. The petitioner further submits that the compensation awarded is inadequate seeing the gravity of the offence.

6. Having heard the learned *amicus curiae* for the petitioner and after perusing the record of the case, this Court is of the considered opinion that the judgment passed by the learned Appellate Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the complaint in the present case was lodged on 20.05.2003 and the accused/respondents have been suffering the agony of trial since the last about 22 years. It also appears that the accused/respondents do not have any criminal antecedents.

7. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society.

8. In ***Deo Narain Mandal vs. State of UP (2004) 7 SCC 257***, 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.

9. Further, the Hon'ble Supreme Court in ***Ravada Sasikala vs. 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.

10. In view of the discussion above, it transpires that the compensation has already been granted to the victim/petitioner and thus, this Court does not find any reason to interfere with the judgment dated 13.10.2011 passed by learned Sessions Judge, Ferozepur. Consequently, the present revision petition is dismissed.

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

12. The High Court Legal Services Authority is directed to pay remuneration to the learned *Amicus Curiae*/Legal Aid Counsel, as per rules.

(HARPREET SINGH BRAR)
JUDGE

13.05.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No