

CRR-2720-2015 (O&M)

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

CRR-2720-2015 (O&M)  
Decided on:22.04.2025

Darshan Singh

.... Petitioner

versus

## State of Punjab and another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Tarunveer Vashist, Advocate with  
Mr. Shoryaveer Vashist, Advocate  
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

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**Harpreet Singh Brar, J. (Oral)**

1. This revision petition has been preferred against the judgment dated 11.05.2015 passed by learned Addl. Sessions Judge, Sangrur, vide which, judgment of conviction and order on quantum of sentence dated 02.02.2013 passed by learned Sub Divisional Judicial Magistrate, Sunam have been upheld, in a complaint case filed under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act').

2. The petitioner was sentenced as under:

| Offence    | Sentence                                                                                                               |
|------------|------------------------------------------------------------------------------------------------------------------------|
| 138 NI Act | RI for 01 year and 06 months with fine of Rs.3,000/-, in default of payment of fine, further undergo RI for one month. |

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 02.02.2013 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioner. Learned counsel



CRR-2720-2015 (O&M)

further submits that the petitioner has undergone actual period of more than 06 months and 28 days, out of total sentence of 1½ years, awarded by learned trial Court.

4. *Per contra*, learned counsel for State opposes the prayer of the petitioner on the ground that 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.

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

6. 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. 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



CRR-2720-2015 (O&M)

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. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

8. The present complaint is of the year 2009 and the petitioner has been suffering the agony of protracted trial for last more than 15 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per custody certificate, the petitioner has undergone the actual sentence of 06 months and 28 days out of total sentence of 1½ years awarded to him.

9. Accordingly, this Court is of the opinion 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.

10. Consequently, the present petition is disposed of and the judgment dated 11.05.2015 passed by the learned Addl. Sessions Judge, Sangrur affirming the judgment of conviction is upheld, however, the order of sentence dated 02.02.2013 is modified to the extent that the sentence of rigorous imprisonment for 1½ years and a fine of Rs.3,000/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.



CRR-2720-2015 (O&M)

11. Pending miscellaneous applications, if any, shall also stand disposed of.

22.04.2025  
sonia

**(HARPREET SINGH BRAR)**  
**JUDGE**

Whether speaking/non-speaking?  
Whether reportable?

Yes/No  
Yes/No