



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

**CRR-2075-2016(O&M)
Date of decision: 05.09.2025**

AVTAR SINGH AND ORS

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. This revision is filed against the judgment dated 06.05.2016 passed by Additional Sessions Judge, Bathinda, whereby, the appeal filed by the petitioners, challenging the judgment of conviction and order of sentence dated 20.01.2015, passed by Additional Chief Judicial Magistrate, Bathinda in case FIR No.76 dated 22.08.2008 under Sections 420 and 120-B IPC, registered at Police Station Sadar, Bathinda was partly allowed and the sentence awarded by the trial Court, was modified.

2. Brief background of the case is that the FIR in question was registered on the application of Gian Kaur wife of Gurdas Singh with the allegations that petitioner - Avtar Singh has committed cheating by executing sale-deed No.11410 dated 28.03.2008 in favour of his sons (petitioners - Jaswant Singh and Surjit Singh) inspite of the fact that they all were very well aware that power of attorney granted in favour of petitioner Avtar Singh had already been cancelled on 25.03.2008. Challan



was presented against all the three petitioners. Charges were framed against them, to which they pleaded not guilty. Upon trial, vide judgment and order dated 20.01.2015, passed by Additional Chief Judicial Magistrate, Bathinda, they were convicted and sentenced as under:-

Sr No.	Name of convict	Sentence under Section	RI awarded	Fine	In default of payment of Fine further RI for
1.	Avtar Singh	420 IPC	Two years	Rs.1000/-	One month
2.	Jaswant Singh	420 IPC	Two years	Rs.1000/-	One month
3.	Surjit Singh	420 IPC	Two years	Rs.1000/-	One month
4.	Avtar Singh	120-B IPC	6 months	Rs.200/-	15 days
5.	Jaswant Singh	120-B IPC	6 months	Rs.200/-	15 days
6.	Surjit Singh	120-B IPC	6 months	Rs.200/-	15 days

3. The petitioners filed appeal before the Additional Sessions Judge, Bathinda, who vide judgment dated 06.05.2016 upheld the conviction, but the sentence of rigorous imprisonment for two years awarded under Section 420 IPC by the Trial Court, was modified to rigorous imprisonment for one year. The remaining part of the sentence and fine under Section 420 IPC as well as the sentence and fine under Section 120B IPC, awarded by the Trial Court, were upheld.

4. During pendency of the present revision, petitioner No.1 Avtar Singh had expired and as such, vide order dated 12.07.2018, the present petition qua him was dismissed as withdrawn. Thus, the present petition survives only qua petitioners No.2 and 3 (Jaswant Singh and Surjit Singh).



5. At the very outset, learned counsel for the petitioners -accused has submitted that he is not assailing the conviction of the petitioners on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioners, as they have already undergone a period of 03 months 10 days after their conviction. He also submitted that the petitioners are old aged and belong to poor background and are not involved in any other criminal activity.

6. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record as such, they do not deserve any leniency.

7. Learned counsel for the parties have been heard, and the record has been meticulously examined with their able assistance.

8. It transpires that the petitioners were convicted under Sections 420 and 120-B IPC for which no minimum punishment has been prescribed. As per custody certificates, the petitioners are not involved in any other case and have already undergone the total sentence of 03 months and 10 days in the instant case. Since there is no minimum punishment prescribed under Sections 420 and 120B 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.

9. In ***Deo Narain Mandal v. State of U.P. (2004) 7 SCC 257***, the Supreme Court (Three-Judge Bench) underscored that sentencing is not a mere formality in criminal proceedings. Where a statute prescribes both minimum and maximum terms, the court must exercise the discretion



conferred upon it judiciously—not whimsically or arbitrarily. Factors such as the gravity of the offence, manner of commission, and the accused’s age are imperative in determining an appropriate sentence. The sentencing court must operate within the principle of proportionality, ensuring the sentence is neither unduly harsh nor inappropriately lenient.

10. In *Ravada Sasikala v. State of Andhra Pradesh AIR 2017 SC 1166*, the Court reaffirmed that sentencing serves a broader social purpose a deterrent effect that compels the offender to acknowledge the harm caused both to the victim and to society. The Court held that opportunities for reformation must be afforded, and sentencing discretion must be exercised by weighing all attendant circumstances, including the nature and manner of the offence and the conduct of the accused, to strike a balance between legal efficacy and prospects of rehabilitation.

11. A careful review of the conviction rendered by the learned Court below reveals no perversity in its findings and the same are based on correct appreciation of the evidence available on record. Counsel for the petitioners has not challenged the conviction on substantive grounds, limiting his plea solely to a modification of the quantum of sentence to one already undergone.

12. Perusal of record indicates that FIR(supra) was registered in the year 2008 and the petitioners have been suffering the agony of trial for the last 17 years. As per the custody certificate, both the petitioners have already undergone a period of 03 months and 10 days, out of substantive sentence of 01 year awarded to them.



13. Accordingly, 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.

14. Therefore, in view of the discussion above, the present revision is disposed of in the following terms:-

(i) The judgment dated 06.05.2016 passed by the learned Additional Sessions Judge, Bathinda affirming the judgment of conviction dated 20.01.2015 is upheld.

(ii) The order of sentence dated 06.05.2016 is modified to the extent that the sentence of rigorous imprisonment for 01 year along with 01 month for default of payment of fine of Rs.1,000/- awarded to the petitioners is reduced to the period of sentence already undergone by them.

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

05.09.2025

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No