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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3668-2014
Date of decision: 18.02.2025

RAGHBIR SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rampal Kaushik, Advocate for
Mr. Karan Singh, Advocate for the petitioner.
Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 16.09.2014 passed by learned Additional Sessions Judge, Jind, vide which, judgment of conviction dated 8.1.2014 and order on quantum of sentence dated 09.01.2014 passed by learned Judicial Magistrate Ist Class, Jind in a case stemming from FIR No.88 dated 26.02.2010 registered under Sections 279/304-A IPC at Police Station Sadar Jind have been upheld.

2. The petitioner was sentenced as under:

Offence Section(s)	under	Sentence
279 IPC		SI for 03 months
304-A IPC		SI for 06 months
It was ordered that all the sentences shall run concurrently.		

3. Brief facts of the present case are that on 26.02.2010, P.S. Sadar Jind received an information that one Balraj Singh had died in a road-side accident near Bisanpura. Upon which, the police party reached to GH, Jind, where complainant-Parvesh Kumar (eye witness to the occurrence) got recorded his statement to the effect that he along with his cousin-Balraj was going from village Ahirka to Delhi in a Maruti car being driven by Balraj (deceased). At about 8:15 AM, when they reached ahead of Bisanpura near



Saini Tea stall, a truck bearing registration No.HR-67-2803 came from Rohtak side being driven in a rash and negligent manner collided with their car from the front. As a result, Balraj was seriously injured and was taken to GH, Jind with the help of persons working on fields but declared dead by doctors. Hence, the FIR (*supra*) was registered.

4. The petitioner was convicted and sentenced vide judgment of conviction dated 8.1.2014 and order of sentence dated 09.01.2014 passed by learned trial Court, which have also been upheld by learned lower Appellate Court vide judgment dated 16.09.2014.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 08.01.2014 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. As per his custody certificate, petitioner has undergone a total sentence of 03 months and 17 days and is not involved in any other case.

6. *Per contra*, learned State counsel opposes the prayer of the petitioner as 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.

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

8. 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 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 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.

10. The FIR (*supra*) is of the year 2010 and the petitioner has been



suffering the agony of protracted trial for last 15 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, petitioner has undergone a total sentence of 03 months and 17 days and is not involved in any other case.

11. 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.

12. Consequently, the present petition is disposed of and the judgment dated 16.09.2014 passed by the learned Additional Sessions Judge, Jind, affirming the judgment of conviction is upheld, however, the order of sentence dated 09.01.2014 is modified to the extent that the sentence of simple imprisonment for 06 months awarded to the petitioner is reduced to the period of sentence already undergone by him.

February 18, 2025
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(HARPREET SINGH BRAR)
JUDGE

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