

242

CRR-748-2014

Date of decision: 13.05.2025

Gurdip Singh and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ritesh Pandey, Advocate and
Ms. Pooja, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 18.01.2014 passed by the learned Additional Sessions Judge, Gurdaspur, vide which the appeal against judgment of conviction dated 18.10.2006 and order of sentence dated 19.10.2006 passed by the learned Additional Chief Judicial Magistrate, Gurdaspur, in FIR No.102 dated 01.07.1998 registered under Sections 326/325/323/34 of IPC, registered at Police Station Dhariwal, has been dismissed.

2. The petitioners were convicted and sentenced as mentioned below:



Accused	Offence	Sentence
Gurdip Singh @ Dalip Singh	Section 326 of IPC	Rigorous imprisonment for a period of 02 years and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 325 of IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 323/34 of IPC	Rigorous imprisonment for a period of 06 months and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
Jagtar Singh	Section 326/34 of IPC	Rigorous imprisonment for a period of 02 years and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 325/34 of IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 323 of IPC	Rigorous imprisonment for a period of 06 months and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
Massa Singh	Section 326/34 of IPC	Rigorous imprisonment for a period of 02 years and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 325/34 of IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.
	Section 323/34 of IPC	Rigorous imprisonment for a period of 06 months and to pay fine of Rs.200/- in default, rigorous imprisonment for one month.

All the substantive sentences were ordered to run concurrently.

3. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 18.10.2006. Aggrieved by the same, the petitioners preferred an appeal before the learned lower Appellate Court which has been dismissed vide judgment dated 18.01.2014.

4. Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the present case and there was no independent corroboration of the testimonies of various witnesses. Further, he is not assailing the impugned judgment of conviction on merits and restricts his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioners, as petitioner No.1 has already undergone a



total period of 04 months and 22 days, petitioners No.2 & 3 have already undergone a total period of 03 months and 07 days in custody.

5. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, they do not deserve any leniency. However, he could not controvert the fact that the petitioners are not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Sections 326/325/323/34 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, petitioner No.1 has already undergone a total period of 04 months and 22 days, petitioners No.2 & 3 have already undergone a total period of 03 months and 07 days in custody out of total sentence of 02 years, in the instant case. Since there is no minimum punishment prescribed under Sections 326/325/323/34 of 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 by them.

7. In ***Deo Narain Mandal vs. State of U.P. (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.

8. 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.

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. However, the FIR (supra) was lodged on 01.07.1998 and the petitioners have been suffering the agony of trial for last more than 26 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

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

- (i) The judgment dated 18.01.2014 passed by the learned Additional Sessions Judge, Gurdaspur, is upheld and sentence of 02 years and fine awarded by the learned trial Court is reduced to the period of sentence already undergone by the petitioners.



CRR-748-2014

-5-

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

(HARPREET SINGH BRAR)
JUDGE

13.05.2025

Neha

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