



CRR-978-2015 and one more case

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**222(3) IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR-978-2015 (O&M)
Date of Decision: 24.01.2025**

KULDIP RAI PURI ...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

**CRR-989-2015 (O&M)
Date of Decision: 24.01.2025**

KULDIP RAI PURI ...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mandeep S. Sachdeva, Advocate
for the petitioner(s).

Mr. Nitesh Sharma, DAG Punjab.

Mr. Sandeep Arora, Advocate and
Ms. Mamta, Advocate for respondent No. 2 in CRR-989-2015.

Mr. S.S. Rangî, Advocate and Mr. Fateh Sahota, Advocate
for respondent No. 2 in CRR-978-2015.

Harpreet Singh Brar, J. (Oral)

1. Instant revision petitions are filed against the judgment of conviction and order on quantum of sentence dated 21.11.2014 passed by learned Sessions Judge, Jalandhar vide which respondents herein, were convicted for offences under Sections 120-B, 436 and 457 of IPC and were awarded substantive sentence of rigorous imprisonment for four years with total

fine of Rs. 5,000/- each, with default mechanism in case bearing FIR No. 155

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dated 29.05.2013 registered at Police Station Nakodar. In these petitions, the petitioner(s) is seeking enhancement of substantive sentence from a period of four years awarded to both the accused persons.

2. Briefly stated, it is case of the prosecution that complainant (PW1) Kuldip Rai Puri along with his brother Rajinder Kumar had been running the business of selling sanitary goods under the name and style of *M/s. Puri Trading Company* in the shop situated at Kapurthala Road Nakodar. In the evening of 28.05.2013, they had locked their shop from outside after completion of the work at 8.30 p.m. and returned home. However, on the early morning of 29.05.2013 at about 5.00 a.m. some body telephonically informed them that smoke was coming out of their shop. As such, Kuldip Rai Puri along with his brother Rajinder Kumar Puri and their sons Tarun and Varun rushed to their shop. They noticed that smoke was coming from inside the shop. They opened the lock put by them on the shutter door on the main gate but they found that the shutter door was closed from inside.

3. Therefore, the small door was broken with the help of iron sabal and they found that all the articles kept in the shop were badly burnt. Then, they immediately informed the control room and called the fire brigade. The fire was extinguished by the fire brigade but all the articles/ goods lying in the shop were converted into ash. They suspected that some unknown persons had entered their shop by breaking the door of the roof and then they locked the doors from inside and put the shop on fire. Statement of Kuldip Rai Puri was recorded by ASI Rashpal Singh and on the basis of the same FIR(supra) was registered for the offences under sections 457, 435, 436 and 120-B of the Indian Penal Code. After registration of FIR, the police swung into action. On 09.06.2013, complainant

Kuldip Rai Puri suffered another supplementary statement to the effect that

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earlier he had terminated services of his two employees, namely, Rajiv Kumar alias Mintu and Ved Parkash alias Sonu (respondents herein) and he suspected that both of them had put their shop on fire. Accused-Rajiv Kumar alias Mintu and Ved Parkash alias Sonu were arrested on 26.7.2013. From the possession of accused-respondent Ved Parkash alias Sonu, motor cycle bearing registration no. PB-08-CD-0521 was recovered along with its registration certificate.

4. Learned trial Court after assessing the material available on record convicted the accused-respondents under Sections 120-B, 436 and 457 of Indian Penal Code and sentenced them to undergo substantive sentence for four years with total fine of Rs. 5,000/- each with default mechanism.

5. Learned counsel for the petitioners contends that the learned Court below fell into error by awarding only four years of substantive sentence to the accused-respondents and the same is based on untenable grounds. The charges against the private respondents-accused stand duly proven by all the prosecution witnesses and as such, the learned Court below ought not to have awarded them such a small sentence. Accordingly, he prays that substantive sentence of four years each awarded to both the private respondents to be enhanced.

6. Learned State counsel, assisted by learned counsel for private respondents, supports the impugned judgment and submits that the learned Court below has passed an appropriate order on quantum of sentence by awarding four years of substantive sentence along with fine of Rs. 5,000/- each.

7. Having heard the learned counsel for the parties and after perusing the record with their able assistance, this Court is of the considered opinion that the judgment of conviction indicates no perversity that would warrant any interference. Accordingly, the conviction of the private respondents is

Maintained. However, keeping in view the post-conviction conduct of the

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private respondents, this Court deemed it appropriate to reduce their sentence to the custody already undergone by them vide judgments dated 24.01.2025 passed in CRA-S-5126-SB-2014 and CRA-S-5293-SB-2014.

8. In *Deo Narain Mandal Vs. 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.

9. Further, a two Judge Bench of 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.



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10. In view of the discussion above, present petitions stand dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

24.01.2025

Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>