



113

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

**CRR-1198-2025 (O&M)
Date of decision: 05.08.2025**

Davinder Singh @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Kumar Rohilla, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition has been preferred against the judgment dated 07.03.2025 passed by learned Sessions Judge, Jalandhar, vide which, while upholding the judgement of conviction dated 05.05.2023 passed by learned Additional Chief Judicial Magistrate, Jalandhar, in a case arising out of FIR No.31 dated 06.02.2017 under Sections 279, 337, 338, 427, 304-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Jalandhar, the order of sentence of even date was modified and sentence of rigorous imprisonment of two years awarded by learned trial Court under Section 304-A of IPC was reduced to one year R.I.

2025:PHHC:099669



2. The petitioner was convicted by learned trial Court, vide judgment of conviction dated 05.05.2023 under Sections 279, 337, 304-A of IPC for driving his vehicle in a rash and negligent manner causing death of Jasdeep Singh and for causing simple hurt to the complainant during the said incident and vide order of sentence of even date, he was ordered to undergo rigorous imprisonment for a period of two years under Section 304-A of IPC and to pay a total fine of Rs.3,000/- under Sections 279, 337, 304- A of IPC along with default mechanism. Aggrieved by the same, the petitioner preferred an appeal before learned Sessions Judge, Jalandhar and vide impugned judgment dated 07.03.2025, the same was dismissed, however, the sentence of rigorous imprisonment of two years awarded to the petitioner by learned trial Court was reduced to one year R.I.

3. Learned counsel for the petitioner, at the very outset, contends that he is not assailing the impugned judgment passed by learned lower appellate Court and the judgment of conviction passed by learned trial Court on merits and restricts his prayer to further modify the order of sentence dated 05.05.2023, which was modified by learned lower appellate Court by reducing the sentence of rigorous imprisonment from two years to one year R.I. He further submits that the petitioner has already undergone actual sentence of 04 months and 25 days and he is not involved in any other criminal activity. It is thus prayed that his sentence may be further reduced to the period already undergone by him.

2025:PHHC:099669



4. *Per contra*, learned State counsel has produced custody certificate of the petitioner in the Court today, which is taken on record. He opposes the prayer of the petitioner, as learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was convicted under Sections 279, 337, 304-A of IPC by learned trial Court, for which no minimum punishment has been prescribed. As per the custody certificate, filed in the Court today, the petitioner has already undergone total sentence of 04 months and 25 days and he is not involved in any other case. Since there is no minimum punishment prescribed under Sections 279, 337, 304-A of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence of rigorous imprisonment of one year, reduced by learned lower appellate Court, is further reduced to the period already undergone by him.

6. 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.

7. 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 realize 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.

8. A perusal of the judgments passed by both the Courts below indicate no perversity in their findings and the same are based on correct appreciation of evidence available on record. The FIR (*supra*) was lodged on 06.02.2017 and the petitioner has been suffering the agony of trial for the last more than 08 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

9. As a result of above discussion, present revision petition is disposed of and the impugned judgment dated 07.03.2025 passed by learned

2025:PHHC:099669



Sessions Judge, Jalandhar, affirming the judgment of conviction dated 05.05.2023 passed by learned Additional Chief Judicial Magistrate, Jalandhar, is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment of two years along with default mechanism awarded to the petitioner, which was reduced by learned lower appellate Court to rigorous imprisonment of one year vide impugned judgment dated 07.03.2025, is further reduced to the period of sentence already undergone by him.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

11. The petitioner is directed to be released forthwith from jail, if he is not required in any other case.

05.08.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No