



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

243

CRR- 2086-2018

Date of decision: 13.11.2025

UMED AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Suman Sagar, Advocate and
Mr. Jitender Dhanda, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Bhuvan Vats, Legal Aid Counsel
for the respondent-complainant.

VINOD S. BHARDWAJ. J.(Oral)

1. The present revision petition has been preferred against the judgment of conviction dated 09.01.2014 and order of sentence dated 13.01.2014 passed by the Sub Divisional Judicial Magistrate, Tohana whereby the petitioners have been convicted for commission of offences punishable under Sections 323, 325, 326, 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") in case bearing FIR No.146 dated 25.08.2007 registered under Sections 323, 324, 325, 326 and 506 read with Section 34 of the IPC at Police Station, Jakhal, District Fatehabad as well as against the judgment dated 04.06.2018 passed by the Additional Sessions Judge, Fatehabad whereby

the appeal filed by the petitioner was only partly allowed, while the conviction under Section 326 was set aside, the convictions under Section 323, 325 and 506 were affirmed and the petitioners have been sentenced as under:-

Sr. No.	Offence under Section	Sentence
1.	323 read with Section 34 of IPC	To undergo rigorous imprisonment for a period of six months
2.	325 read with Section 34 of IPC	To undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 300/- each. In default of payment of fine, to further undergo simple imprisonment for one month.
3.	506 read with Section 34 of IPC	To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 300/- each. In default of payment of fine, to further undergo simple imprisonment for one month each.

2. The present FIR had been registered on the statement of one Tarsem son of Inder Singh, resident of Gurudwara Basti Jakhal. On 24.08.2007, at about 10.00 p.m., the complainant Tarsem went to sleep after having his dinner. At that time Dhulia, Gandhi sons of Inder Singh, Umed and Shamsheer sons of Madan Lal, Kalu son of Laxman (all residents of Jakhal) and one Sonu resident of Kudail, came to his house and forcibly took him near the railway lines. They were armed with iron rods, lathi, gandasa and screw driver (Sua). Tarsem asked them as to where he was being taken to but they did not pay any heed to him. Umed raised a Lalkara that Tarsem should be taught a lesson for opposing them and they all started beating him with the weapons they had in their

hands. Tarsem raised an alarm and on hearing his hue and cry, his brother Shyam Lal and mother Kamla Devi reached at the spot and on seeing them, the assailants fled from the spot. Tarsem was shifted to CHC Jakhal by his mother, brother Shyam Lal and Balraj s/o Inder Singh, from where he was referred to General Hospital, Tohana. The motive behind the occurrence was that there was an antagonism between the complainant-Tarsem and the assailants regarding the tender of FCI Union. The assailants while leaving the spot, threatened to kill the complainant. With these facts, the matter was requested to be registered and investigated. During investigation, the petitioners-accused were arrested, statements of the witnesses under Section 161 Cr.P.C. were recorded and the site plan of the place of crime was prepared. After completion of investigation, challan was presented before the Court.

3. On completion of the procedural compliances, the parties led their respective evidence. The prosecution examined as many as seven prosecution witnesses and gave up nine witnesses. The prosecution evidence was thereafter closed. The entire evidence was put to petitioners and their statements under Section 313 Cr. P.C. were recorded. They denied the charges but led no evidence in defence.

4. After hearing the arguments by the counsel for the parties and considering the evidence on record, the Sub Divisional Judicial Magistrate, Tohana convicted the petitioners vide judgment dated 09.01.2014 and sentenced them for offences under Sections 323, 325, 326 and 506 read with Section 34 of IPC. Appeal against the judgment of conviction & sentence was partly allowed by the Additional Sessions

Judge, Fatehabad vide judgment dated 04.06.2018 and conviction under Section 326 of the IPC was set aside. The conviction under remaining offences was maintained. Hence, the present petition.

5. Learned counsel for the petitioners contends that she does not wish to challenge their conviction and confines her prayer only to the quantum of sentence. Hence, the factual matrix and merits of the case are not being examined at this stage. She submits that the present matter pertains to the year 2007 and that no other criminal case has been registered against the petitioners. Counsel further submits that the incident occurred in 2007 and that the petitioners have faced the agony of a protracted trial for nearly 18 years. Accordingly, it is prayed that the sentence imposed upon the petitioners be reduced to the custody period already undergone.

6. On the other hand, the learned State counsel as well as Mr. Bhuvan Vats, Advocate appeared as Legal Aid Counsel on behalf of the respondent-complainant to assist this Court while opposing the submissions advanced on behalf of the petitioners, have argued that as per observation of the doctor, the complainant-Tarsem Singh suffered six injuries out of which four were grievous in nature. The prosecution has successfully established the guilt of the petitioners through cogent, reliable, and convincing evidence brought on record during trial. It is further contended that the offence committed by the petitioners is of a serious nature and, therefore, calls for imposition of a stringent sentence. The counsel submit that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure

that such acts do not recur and to maintain public confidence in the rule of law.

7. I have heard learned counsel representing the parties and have gone through the case record.

8. Since conviction is not being challenged by the Counsel for the petitioner, hence, the merits of the case are not being adverted to. In order to appreciate the arguments of the petitioner on the issue of punishment, the jurisprudence & legal philosophy behind sentencing needs to be examined.

9. The Hon'ble Supreme Court in the matter of **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption.

10. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of the dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court

to extend opportunity to a convict for reforming himself. The principles of proportionality have to be balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

11. A nine judge bench of the Supreme Court of the United States, in *Dennis Councle McGautha v. State of California* reported as 402 U.S. 183 (1971), observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences. The Court further cautioned against rigidly prescribing or mandating uniform standards for sentencing, emphasizing that the principles governing punishment must depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

12. In the aforesaid legal backdrop, and keeping in view the established legal principles governing sentencing, it becomes imperative to evaluate the mitigating circumstances relied upon by the petitioner and relevant to the present case. The same are, therefore, extracted as under:—

- i. The incident in question pertains to the year 2007, and nearly 18 years have elapsed since then.

The petitioners have already suffered the ordeal and

anguish of protracted criminal proceedings spanning nearly eighteen years against a sentence of 03 years.

- ii. The dispute arose amongst the competing parties for the contract of FCI and no other prior criminal case has been registered against the petitioners, during the pendency or after the conclusion of the present case, indicating that the petitioners have reformed themselves and successfully reintegrated into the mainstream of society.
- iii. The conviction is for an offence under Section 325 of the IPC which is otherwise a bailable offence. The maximum sentence is upto 07 years. Hence, the petitioner could have claimed for consideration for probation under Section 360 Cr. P.C. as well.
- iv. The petitioners have shown potential of reform and have not misused the concession extended in their favour.
- v. The petitioners were in their early 30's at the time of conviction in the year 2014 as would now be in their 40's with settled family life and children. An order to undergo the remaining sentence is likely to impact the future prospects of children and cause grave hardship to the family. Besides, they have already undergone nearly 03 months of actual sentence.

- vi. The revival of penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities and more so when the offender has exhibited genuine reformative conduct. The sentence, therefore, warrants suitable modification to reflect recognition and encouragement of such good behaviour.
- vii. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse, the emphasis must shift from retribution to reintegration into society.

13. Taking into consideration the facts noticed above and that the petitioners have faced the rigor of criminal prosecution for nearly 18 years since the registration of the FIR, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction passed by both the Courts i.e Sub Divisional Judicial Magistrate, Tohana as well as the Additional Sessions Judge, Fatehabad, the order of sentence passed is modified. The sentence awarded by both the Courts and as affirmed by the Additional Sessions Judge, Fatehabad vide judgment dated 04.06.2018 is modified and reduced to the period already undergone. However, the sentence of fine awarded by the Courts to a sum of Rs.300/- is increased to Rs.1,000/-. The punishment for default in payment of fine shall remain the same, as awarded.

14. All the pending miscellaneous application(s), if any, are

also disposed of.

15. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

NOVEMBER 13, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No