



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRR-1350-2025 (O&M)
Decided on : 20.08.2025

Harinder Singh . . . Petitioner
Versus
State of Punjab and Another . . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Argued by: Mr. Hardip Singh, Advocate
for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

Mr. Ajay Singh Rawat, Advocate
for the respondent No.2

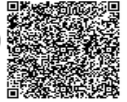
SANJAY VASHISTH, J. (Oral)

1. The present revision petition has been filed by the petitioner- Harinder Singh, against the judgment dated 18.04.2025, passed by the Court of learned Additional Sessions Judge, SAS Nagar (Mohali) (in short 'learned Lower Appellate Court'), in case bearing No.CRA-230-2018, whereby, the judgment of conviction and order of sentence dated 04.06.2018, passed by the Court of learned Sub Divisional Judicial Magistrate, Dera Bassi, has been upheld.

Learned trial Court after holding the petitioner guilty for the offences punishable under Sections 279 and 304-A IPC, awarded the following sentences.

Name of the Convict	Under Section	RI	Fine	In default
Harinder Singh	279 IPC	6 Months	Rs.1,000/-	1 Month
-do-	304-A IPC	2 Years	Rs.2,000/-	2 Month

All the substantive sentences were ordered to run concurrently and the period of detention was to set off against the substantive punishment.



Feeling aggrieved, petitioner then filed an appeal before the learned Additional Sessions Judge, SAS Nagar (Mohali) (in short 'learned Lower Appellate Court'), which has been dismissed vide impugned judgment dated 18.04.2025. Hence, the present revision petition.

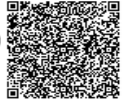
2. At the outset, learned counsel for the petitioner submits that he would not press the instant petition on merits and restrict his prayer *qua* the quantum of sentence. Further, submits that petitioner is aged about 48 years and does not have any criminal antecedents. Besides, petitioner is facing the agony of protracted trial for more than 11 years, as the case was instituted in the year 2014. The petitioner is a poor person and during the pendency of the instant revision petition, he has been fastened with many liabilities.

Further submits that the petitioner has already undergone 4 months actual sentence after his conviction and also earned 12 days remission. He has, therefore, prayed that a lenient view be taken and the sentence be thus reduced to the period already undergone.

3. Learned State counsel has produced the custody certificate dated 18.08.2025, in Court today, which is taken on record. Office to tag the same at appropriate place.

4. Learned State counsel submits that he has no objection to the restricted prayer made by learned counsel for the petitioner, so long as his conviction is upheld. Upon asking, learned State counsel submits that as per the custody certificate, petitioner has undergone 04 months period and 12 days of remission period, out of the maximum substantive sentence period of 02 years under Section 304-A of IPC.

5. Heard.



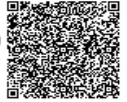
6. Adopting the principles of reformatory theory, which otherwise also sends a direct message to reform oneself despite facing conviction in a criminal case(s), His Lordship V.R. Krishna Iyer, J., of Hon'ble Apex Court, in case of **Mohammad Giasuddin v. State of Andhra Pradesh, (1977) 3 SCC 287**, has observed in para No. 5 of the judgment as under:-

“5. If every saint has a past, every sinner has a future, and it is the role of law to remind both of this. The Indian legal genius of old has made a healthy contribution to the word treasury of criminology. The drawback of our criminal process is that often they are built on the bricks of impressionist opinions and dated values. Ignoring empirical studies and deeper researches.”
(emphasis added)

7. In the case of **Satish @ Sabbe v. State of Uttar Pradesh (Special Leave Petition (Crl.) No. 7369 of 2019, decided on 30.09.2020 : Law Finder Doc ID # 1746022)**, His Lordship Surya Kant, J., says as:

“Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free-roaming criminals creating havoc in the lives of ordinary peace-loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first-time offenders ought to be liberally accorded a chance to repent their past and look-forward to a bright future.” (emphasis added)

8. This Court also can not ignore the observation made by their



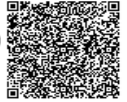
Lordships' of Hon'ble Apex Court in the case of **Commissioner of Police and others v. Sandeep Kumar, (2011) 4 SCC 644**, which says:-

“9. The modern approach should be to reform a person instead of branding him as a criminal all his life”.

9. In the case of **Haribhau v. State of Maharashtra, (2018) 18 SCC43**, Hon'ble Apex Court made observation in the case of an appeal which was preferred against an order of reduction of sentence 'as already undergone'. Para 13 of the said judgment says as under:-

“13. In our considered opinion, firstly, taking into account that the appellant has already undergone one month's jail sentence out of three months awarded to him, secondly, the fact that the incident in question is quite old and seems to have occurred at the spur of the moment, thirdly, the appellant has no criminal antecedent in his past life and lastly, he is not required in any other criminal case except the one in question which the appellant fairly did not deny having committed and rightly did not challenge his conviction, it is considered to be just and proper to alter the jail sentence awarded to the appellant from three months to the extent of period of one month which was already undergone by him and instead enhance the total fine amount awarded under different sections from Rs. 800 to Rs.15,000/-”

10. In view of the submissions made by the learned counsel for the parties, more particularly, the prayer made by learned counsel for the petitioner, I am of the considered view that ends of justice would be met if, while maintaining the conviction of the petitioner, his sentence is reduced to



the period already undergone by him. However, there shall be no modification with regard to fine.

11. With the aforesaid modification in the quantum of sentence dated 04.06.2018, the instant petition stands disposed of.

Pending miscellaneous application also stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 20, 2025

Vishal Vardhan

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*