



114

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

**CRR-1473-2025 (O&M)  
Date of decision: 11.07.2025**

**Harjinder Singh @ Sonu**

**... Petitioner**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Gurpreet Kaur, Advocate for  
Ms. Komal Preet Kaur, Advocate  
for the petitioner.

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

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**HARPREET SINGH BRAR, J. (ORAL)**

**CRM-25640-2025**

1. This application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking preponement of date of hearing fixed in the main petition.
2. In view of the averments made in the application, same is allowed. Date of hearing fixed in the main petition is preponed from 27.08.2025 to today.
3. With the consent of learned counsel for the parties, the main



petition is taken on board for final disposal today itself.

**CRR-1473-2025**

4. Present revision petition has been preferred against the order dated 01.05.2025 passed by learned Additional Sessions Judge, Amritsar, vide which the appeal filed by the petitioner against the judgment of conviction and the order of sentence dated 20.08.2016 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar, convicting and sentencing him in FIR No.248 dated 13.10.2015 under Section 42 of Prisons Act, 1894 (for short 'the Act'), registered at Police Station Cantonment, Amritsar, was dismissed on the ground of limitation.

5. The petitioner was convicted by learned trial Court, vide judgment of conviction dated 20.08.2016 under Section 42 of the Act for keeping the mobile phone in jail and vide order of sentence of even date, he was ordered to undergo simple imprisonment for a period of six months. Aggrieved by the same, the petitioner preferred an appeal before learned Additional Sessions Judge, Amritsar, however, vide impugned order dated 01.05.2025, the same was dismissed on the ground that it was filed after an inordinate delay of more than 08 years.

6. Learned counsel for the petitioner, at the very outset, contends that she is not assailing the impugned order passed by learned lower appellate Court and the judgment of conviction passed by learned trial Court on merits and restricts her prayer to reduce the sentence of simple imprisonment of six



months, to the sentence already undergone by the petitioner, as he has already undergone the total sentence of almost 04 months.

7. *Per contra*, learned State counsel opposes the prayer of the petitioner, as learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, he does not deserve any leniency.

8. 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 Section 42 of the Act by learned trial Court, for which no minimum punishment has been prescribed. As per his custody certificate dated 02.07.2025, the petitioner has already undergone total sentence of 03 months and 29 days as on today, in the instant case. Since there is no minimum punishment prescribed under Section 42 of the Act, this Court is of the opinion that it would be in the interest of justice, if the sentence of six months S.I. awarded by learned trial Court is reduced to the period already undergone by him.

9. 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.

10. 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.

11. A perusal of the judgment of conviction passed by 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 13.10.2015 and since then, the petitioner has been suffering the agony of trial. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

12. As a result of above discussion, present revision petition is

2025:PHHC:083981



disposed of and the impugned order dated 01.05.2025 passed by learned Additional Sessions Judge, Amritsar and the judgment of conviction dated 20.08.2016, convicting the petitioner under Section 42 of the Act are upheld, however, the order of sentence of even date i.e. 20.08.2016 is modified to the extent that the sentence of simple imprisonment of six months awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

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

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

11.07.2025  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No