

**CRR-2318-2019****1****246**

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

CRR-2318-2019**Date of decision:19.02.2025****BHAJAN SINGH****..Petitioner****Versus****STATE OF PUNJAB****..Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Harmeet Singh, Advocate for
Mr. Vikram Anand, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.
Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, (ORAL).

1. Present revision petition has been preferred by the petitioner against the judgment dated 17.08.2019 passed by learned Additional Sessions Judge, Jalandhar vide which judgment of conviction and order on quantum of sentence dated 09.07.2018 passed by learned Judicial Magistrate Ist Class, have been upheld, whereby petitioner has been convicted under Sections 279, 337, 338 of IPC and sentenced to undergo rigorous imprisonment for one year and fine of Rs.500/- in default of fine convict is liable to undergone further R.I. for one week.

2. The case of the prosecution is that on 27.06.2015, on receipt of information from Joshi Hospital, Jalandhar that one Shaukat Ali has been admitted there in an injured condition, ASI Amrik Singh alongwith other police officials reached there. Thereafter, complainant Shaukat Ali made statement



to the effect that he is working as Music Teacher at Khalsa College, Sultanpur. On 27.06.2015, he had come to Jalandhar for a personal work on his Airta Scooter bearing No.PB-09-W-7666. When he was returning and reached at the turn of leather complex, Kapurthala Road, Jalandhar, at about 12.30 PM, one Bolero Jeep bearing No. PB-08-S-9580 came from Kapurthala side. Driver of the jeep turned the jeep all of a sudden without giving any horn and while driving the same rashly and negligently towards leather complex and struck against his Airta scooter. The driver of the Bolero Jeep came down and after noticing that the complainant has suffered grievous injuries on his knees/legs, he sped away on his Bolero Jeep. Later on he came to know the name of the driver of Bolero Jeep as Bhajan Singh son of Chanan Singh. On the basis of this statement, FIR was registered.

3. Learned trial Court after assessing the material on record convicted the petitioner under Sections 279, 337, 338 of IPC and sentenced to undergo rigorous imprisonment for one year and fine of Rs.500/- upon him with default mechanism. Appeal filed against the said judgment of conviction and order of sentence was dismissed by learned Lower Appellate Court.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 17.08.2019 passed by learned Additional Sessions Judge, Jalandhar on merits and restricts his prayer to modification of the order on quantum of sentence dated 09.07.2018 to that of sentence already undergone by the petitioner as he has already undergone a period of 04 months and 13 days, including remission and not involved in any other case.



5. Per contra, learned State counsel opposes the prayer of the petitioner as the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by the learned lower Appellant Court and as such, he does not deserve any leniency.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In **Deo Narain Mandal v. 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. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. 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.

8. A perusal of the judgment of conviction passed by the learned lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

9. Perusal of record indicates that FIR in the present case was lodged on 27.06.2015 and the petitioner has been suffering the agony of trial since the last more than 09 years. As per the custody certificate, the petitioner has undergone total sentence of 04 months and 13 days, out of rigorous sentence of one year awarded to him and he is not involved in any other case.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of in the following terms:-

- (i) The judgment dated 17.08.2019 passed by the learned Additional Sessions Judge, Jalandhar upholding the judgment of conviction dated 09.07.2018 passed by learned Judicial Magistrate Ist Class, Jalandhar is upheld, however, the order of sentence dated 09.07.2018 is modified to the extent that the sentence of rigorous



imprisonment for one year awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) Fine of Rs. 500/- imposed upon the petitioner is enhanced to Rs.5,000/-. The petitioner is directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo simple imprisonment for one month.

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

19.02.2025

Poonam

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No