

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-2356-2019  
Date of decision:19.02.2025

SWARANJIT SINGH @ SWARAN AND ANR. ..Petitioners

Versus

STATE OF PUNJAB ..Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Rana, Advocate for  
Mr. D.S. Virk, Advocate for the petitioners.

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

HARPREET SINGH BRAR, (ORAL).

1. Present revision petition has been preferred by the petitioners against the judgment dated 09.08.2019 passed by learned Additional Sessions Judge, Bathinda vide which judgment of conviction and order on quantum of sentence dated 13.11.2018 passed by learned Judicial Magistrate Ist Class, Talwandi Sabo, have been upheld.
2. The petitioners were convicted by the learned trial Court vide judgment dated 13.11.2018 and were sentenced as mentioned below:

| Name of convict | Offence  | Sentence                                                                                                       |
|-----------------|----------|----------------------------------------------------------------------------------------------------------------|
| Swaranjit Singh | 326, IPC | Rigorous imprisonment of 3 years and fine of Rs. 2,500/- and in default to undergo further S.I. for one month. |
|                 | 324, IPC | Rigorous imprisonment of 2 years and fine of Rs. 1,500/- and in default to undergo further S.I. for 15 days.   |
|                 | 323, IPC | Fine of Rs. 500/- and in                                                                                       |



|              |                           |                                                                                                                |
|--------------|---------------------------|----------------------------------------------------------------------------------------------------------------|
|              |                           | default to undergo further S.I. for 7 days.                                                                    |
|              | 506, IPC                  | Rigorous imprisonment of Six months and fine of Rs. 500/- and in default to undergo further S.I. for 7 days.   |
| Gurtej Singh | 326 r/w Section 34, IPC   | Rigorous imprisonment of 3 years and fine of Rs. 2,500/- and in default to undergo further S.I. for one month. |
|              | 324 r/w Section 34 IPC    | Rigorous imprisonment of 2 years and fine of Rs. 1,500/- and in default to undergo further S.I. for 15 days.   |
|              | 323 r/w Section 34 of IPC | Fine of Rs. 500/- and in default to undergo further S.I. for 7 days.                                           |
|              | 506, IPC                  | Rigorous imprisonment of 6 months and fine of Rs. 500/- and in default to undergo further S.I. for 7 days.     |

It was ordered that all the sentences shall run concurrently.

3. The petitioners preferred and appeal against the judgment and order of sentence dated 13.11.2018. However, the appeal was dismissed by learned lower appellate court vide judgment dated 09.08.2019.

4. Learned counsel for the petitioners contends that they are not assailing the impugned judgment of conviction dated 13.11.2018 on merits and restricts their prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioner-Swaranjit Singh @ Sawaran has already undergone a period of 06 months and 29 days including remission and petitioner-Gurtej Singh has already undergone a period of 06 months and 25 days including remission and are not involved in any other criminal case.



5. Per contra, learned State counsel opposes the prayer of the petitioners 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, they do 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.

8. 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.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

10. The FIR in the present case was lodged on 21.05.2017 and the petitioners have been suffering the agony of trial since the last more than 07 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desires to live a peaceful life. As per custody certificate, they are not involved in any other case and petitioner-Swaranjit Singh @ Sawaran has undergone total custody of 06 months and 29 days including remission and petitioner-Gurtej Singh has undergone total custody of 06 months and 25 days including remission out of total sentence of 03 years in the instant case.

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

12. Consequently, the present appeal is disposed of in the following terms:-

(i) The judgment dated 09.08.2019 passed by the learned Additional Sessions Judge, Bathinda affirming the judgment of conviction is upheld, however, the order of sentence dated 13.11.2018 is modified to the extent that the sentence of rigorous imprisonment for 03 years along with

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default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

(ii) The sentence of fine of Rs.5,000/- each imposed upon the petitioners by the trial Court shall remain intact. The petitioners are 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 petitioners shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

13. 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*