



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

384

CRA-S-1161-SB-2008
Date of Decision: 09.01.2026

SHANKAR LAL

... Appellant

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Ms. Pia M. Bhargawa, Advocate
(Amicus Curiae) for the appellant.

Mr. Hardeep Hans, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

Feeling aggrieved by the judgment of conviction and order of sentence dated 27.04.2007 passed by the then Addl. Sessions Judge, Gurdaspur in Sessions Case No.20 of 26.03.2003 titled as 'State Versus Shankar Lal and others' arising out of FIR No.6 dated 05.01.2003 under Sections 304/34 of IPC, registered at Police Station Sadar Pathankot, District Pathankot.

2. The case of the prosecution is that on 04.01.2003 at about 2.00/2.30 p.m. in the area of Sujampur Tempu Stand, the appellant in furtherance of common intention with his co-accused committed culpable homicide not amounting to murder by intentionally causing the death of Kannu. After recording the statement of complainant, the abovementioned FIR was registered on 26.03.2003 against the appellant and his co-accused. The appellant alongwith his co-accused was arrested in the present case, and after completion of formal

investigation, the challan was prepared and presented before the Court for commencement of trial. Pursuant thereto, the appellant alongwith his co-accused was tried in the Court and vide judgment of conviction and order of sentence dated 27.04.2007 passed by the then Addl. Sessions Judge, Gurdaspur, the appellant was convicted and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.10,000/- and in default thereof, to further undergo rigorous imprisonment for two months under Section 304 of IPC.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 27.04.2007 on merits, but restricts his prayer qua modification of the order on quantum of sentence of even date, to the period as already undergone by the appellant, as he has already undergone a sentence of 06 years, 11 months and 29 days including remissions and actual sentence of 05 years, 11 months and 2 days out of the total sentence of 07 years. He further prays that since FIR in question pertains to the year 2003, hence, a lenient view may be taken while passing an order on quantum by this Court.

4. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate of the appellant dated 07.01.2026 and submits that the trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record. However, he does not refute the fact that the appellant is not involved in any other case.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The appellant has been convicted for committing culpable homicide not amounting to murder by causing death of the deceased namely Kannu,

punishable under Section 304 of IPC, for which no minimum punishment has been prescribed. Furthermore, the FIR in the present case pertains to the year 2003 and the appellant has already faced the rigors of the prosecution for more than two decades.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held 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, the 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 that 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 Vs. State of AP***, AIR 2017 SC 1166, has held 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 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 impugned 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. However, learned counsel for the appellant has not assailed the judgment of conviction on merits, rather restricted his prayer only *qua* modification in the order on quantum of sentence to that of the sentence already undergone by the appellant.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2003. Right to speedy and expeditious trial is one of the most valuable and cherished rights of an accused guaranteed under the Constitution of India. The appellant has already suffered the agony of protracted trial/prosecution, spanning over a period of more than two decades and has been in the corridors of the Court for this prolonged period. He remained incarcerated for 06 years, 11 months and 29 days including remissions. He has been living peacefully for the last approximately 22 years as no report contrary to that has been received. In view of the facts noted above as well as the period of custody undergone by the appellant, his case deserves to be dealt with leniency. The appellant also deserves the benefit of the consistent view taken by this Court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of ***Haripada Das Vs. State of West Bangal*** reported in (1998) 9 SCC 678 and ***Alister Anthony Pareira Vs. State of Maharashtra*** reported in (2012) 2 SCC 648 and considering the facts and circumstances of the case, his status in the

society and the fact that he faced financial hardship and had to go through mental agony, this Court is of the view that ends of justice would sufficiently be met, if sentence imposed upon the appellant is reduced to the period already undergone by him.

11. Accordingly, the judgment of conviction dated 27.04.2007 passed by the then learned Addl. Sessions Judge, Gurdaspur is further affirmed by this Court, however, the order on sentence of even date is modified and the sentence of the appellant is reduced to the period of sentence already undergone by him till date which would be sufficient and justifiable to serve the interest of justice. The appellant is on bail. He needs not to surrender. His bail/surety bonds are discharged. However, there shall be no modification in the payment of fine imposed by the trial Court. The appellant is directed to deposit the amount of fine before the trial Court/Duty Magistrate/Chief Judicial Magistrate, Gurdaspur within a period of two months from today, failing which, he shall be liable to be taken into custody to undergo imprisonment as per the default clause passed by the trial Court in its judgment dated 27.04.2007.

12. With these modifications, the present petition is disposed of.

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

14. The Chief Judicial Magistrate, Gurdaspur is directed to initiate appropriate proceedings against the appellant, if the amount of fine is not deposited within the stipulated time.

JANUARY 09, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No