



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

**451 (02 cases)**

**CRA-S-1177-SB-2012 (O&M);**

**CRA-S-1714-SB-2012 (O&M)**

**Date of decision: 27.02.2026**

**1. CRA-S-1177-SB-2012 (O&M)**

Sehdev Kumar

...Appellant

VERSUS

State of Haryana

...Respondent

**2. CRA-S-1714-SB-2012 (O&M)**

Rohtash @ Kalua

...Appellant

VERSUS

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Ashwani Bhardwaj, Advocate  
for the appellant in CRA-S-1177-SB-2012.

Mr. Ram Kumar Saini, Advocate,  
For the appellant in CRA-S-1714-2012.

Mr. Armaan Dahiya, AAG, Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

Both these appeals are being decided by a common order.

However, for facility of reference, facts are extracted from ***CRA-S-1177-SB-2012*** titled as ***Sehdev Kumar Vs. State of Haryana***

2. The present appeals have been preferred against the judgment of conviction dated 17.11.2011 and the order of sentence dated 18.11.2011 passed by the learned Additional Sessions Judge, Palwal, whereby the appellants have been convicted under Section 136 of the Indian Electricity Act, 2003 and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of nine months each.

3. Briefly stated, the prosecution case is that an application was submitted by the Junior Engineer, DHBVNL, Sub Division Mandkola, to the concerned police authorities stating that in the intervening night of 14/15.05.2010, unknown persons had removed and stolen the coils from a transformer installed in the revenue estate of village Sheoroli. On the basis of the said application, a formal complaint was lodged and FIR No.186 dated 23.05.2010 under Section 136 of the Indian Electricity Act, 2003 came to be registered at Police Station Hathin.

4. During investigation, the appellants were arrested, who suffered a disclosure statement. Pursuant thereto, certain coils were recovered and taken into possession vide seizure memo. The recovered articles were identified by the concerned Junior Engineer of DHBVNL. Upon completion of investigation and presentation of challan, the appellants were charged under Section 136 of the Indian Electricity Act, 2003. They pleaded not guilty and claimed trial.

5. The entire evidence was put to appellants and statements under Section 313 Cr. P.C. were recorded. The appellants denied the same, however, didn't lead any evidence in their defence.

6. On consideration of the evidence and hearing the arguments, the appellants were convicted by the Additional Sessions Judge, Palwal and sentenced as noticed above.

7. Learned counsel for the appellants, at the outset, submits that he does not press the present appeal on merits and confines his submissions only to the quantum of sentence. The following mitigating circumstances are pointed out by the counsel for the appellants:

- (i) The occurrence pertains to the year 2010 and the appellants have faced the agony of protracted criminal proceedings for more than a decade and a half which in itself has had a considerable deterrent and punitive impact;
  - (ii) The appellants have already undergone more than 02 years of actual sentence during investigation and trial out of the awarded sentence of 03 years;
  - (iii) The appellants are poor labourers and the sole earning members of their families;
  - (iv) Appellant- Sehdev was 27 years at the time of occurrence whereas Appellant- Rohtash @ Kalua was 21 years;
  - (v) The appellants have not been involved in any other case of theft of electricity;
  - (vi) Accordingly, it is prayed that the sentence imposed upon the appellants be reduced to the period already undergone.
8. Learned State counsel, on the other hand, submits that the offence under Section 136 of the Indian Electricity Act is a serious economic offence affecting public property and infrastructure. It is contended that both the Courts below have rightly appreciated the evidence and awarded a sentence commensurate with the gravity of the offence. Hence, no interference is warranted.
9. I have heard learned counsel for the parties and have gone through the documents appended alongwith the present appeals as well as the impugned judgments.

451 (02 cases) CRA-S-1177-SB-2012 (O&M);  
CRA-S-1714-SB-2012 (O&M)

10. Since the appellants have not pressed the appeal on merits, the findings of conviction recorded by the learned trial Court are not being re-examined. The judgment of conviction is accordingly confirmed. The discussion is now confined to the question of sentence.

11. The purpose of sentencing being both deterrent as well as reformatory, hence, while sentencing of an accused factors, such as psychological and sociological circumstances of an accused; the gravity, nature and manner of committing the offence; the consequences, the social reaction of the offence; the antecedents and tendencies of an accused should be taken into consideration.

12. This Court, in **CRR-2697-2025** titled as '*Lakshay Jain v. State of Punjab & Another*', vide order dated **14.11.2025**, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself, establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

*“32. The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and*

*social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work “Criminology,” observed that:*

*“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”*

*33. Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.*

*34. While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger*

*against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.*

*35. While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.*

*36. The case in hand is yet another where interest of justice would warrant a reformative approach in precedence to a punitive or retributive approach. It is not the function of the judges to seek the transformation of human nature itself, but rather to shape the framework within which individuals perceive that adherence to the law aligns with their own best interests."*

13. Adverting to the facts of the present case, the occurrence pertains to the year 2010. The appellants have faced protracted criminal

451 (02 cases) CRA-S-1177-SB-2012 (O&M);  
CRA-S-1714-SB-2012 (O&M)

proceedings for a considerable period. There is also nothing on record to suggest that they are habitual offender(s) or that their conduct poses a continuing threat to society. They have already undergone an actual custody of more than 02 years out of 03 years.

14. Keeping in view the totality of circumstances, including the lapse of considerable time since the occurrence, the socio-economic background of the appellants, and the period of custody already undergone by them, this Court is of the considered opinion that the ends of justice would be adequately met if the sentence awarded to the appellants is reduced to the period already undergone.

15. The fine imposed by the trial Court shall remain intact. In case the fine has not been deposited, the same be deposited within a period of two months from today, failing which the appellants shall be liable to undergo the sentence awarded in default of payment of fine.

16. The present appeals are accordingly *partly allowed* in the above terms.

17. Pending misc. applications, if any, shall stand disposed of.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**27.02.2026**

*Sumit Gusain*

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