

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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2026.PHHC.050325



Decided on: April 01, 2026.

(1)

CRA-S-493-SB-2011 (O&M)

GULAB SINGH

...Appellant

Versus

STATE OF HARYANA

...Respondent

(2)

CRR-2134-2011 (O&M)

OM PARKASH

... Petitioner

Versus

GULAB SINGH AND ANOTHER

...Respondents

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

PRESENT Mr. Zorawar Singh Chauhan, Advocate,
for the appellant in CRA-S-493-SB-2011.

Mr. Deepak Singh Saini, Advocate, and
Mr. Satish Chaudhary, Advocate,
for the petitioner in CRR-2134-2011.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-12390-2011 in CRA-S-493-SB-2011

Application is allowed as prayed for subject to all just exceptions.

Annexure A- is are taken on record.

The Registry is directed to tag the same at an appropriate place.

CRM-49914-2011 in CRR-2134-2011

Application is allowed as prayed for subject to all just exceptions.

Main cases

Both the aforesaid cases viz Criminal Appeal as well as Criminal Revision are being decided by a common order since they arise out of the same impugned judgment of conviction dated 29.01.2011 and order of sentence dated 31.01.2011 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri, in Sessions Case bearing No.02 dated 23.05.2008/02.06.2008, arising out of FIR bearing No.49 dated 27.03.2008, registered under Section(s) 452, 307 and 326 of the Indian Penal Code, 1860, at Police Station Radaur, District Yamuna Nagar.

2 CRA-S-493-SB-2011 has been filed by the appellant-Gulab Singh, against the judgment of conviction and order of sentence whereby the appellant has been held guilty and sentenced to undergo rigorous imprisonment for a period of 03 years along with a fine of Rs.1,000/- for the offence punishable under Section 450 of the Indian Penal Code, 1860

and in default of payment of fine, to further undergo simple imprisonment for a period of 03 months. The appellant has further been sentenced to undergo rigorous imprisonment for a period of 03 years along with a fine of Rs.2,000/- for the offence punishable under Section 326 of the said Act and in default of payment of fine, to further undergo simple imprisonment for a period of 04 months. Additionally, the appellant has been sentenced to undergo rigorous imprisonment for a period of five years along with a fine of Rs.3,000/- for the offence punishable under Section 307 of the said Act and in default of payment of fine, to further undergo simple imprisonment for a period of six months.

3 All the substantive sentences were ordered to be run concurrently.

4 CRR-2134-2011 has been filed by the complainant Om Parkash, seeking enhancement of sentence awarded to the appellant in CRA-S-493-SB-2011 on the ground that the sentence imposed by the trial Court is inadequate.

5 Factually, the prosecution case emanates from a statement dated 27.03.2008 made by Om Parkash—complainant to the police. It was averred that the complainant had three children, two sons Ram Kumar and Mukesh and one daughter Smt. Raj Bala, all of whom were married. The elder son, Ram Kumar, resided with his family at Chandigarh, while the younger son, Mukesh, resided at Bangalore. The daughter, Smt. Raj Bala, was married in village Kainthala, District Kurukshetra. The complainant, along with his wife Smt. Parkasho Devi, resided at Shiv Colony, Radaur, District Yamuna Nagar. On 27.03.2008, at about 8:00 A.M., the

complainant left his residence to visit his agricultural land at village Ghespur, leaving behind his wife alone at home. Upon returning at about 12:30 P.M., he found all the doors of the house open and the kitchen bolted from outside. The wife of one Diwan Chand, a neighbour, who was present near the entrance, asked him to check on his wife inside the kitchen. Upon opening the kitchen door, the complainant found his wife, Smt. Parkasho Devi, lying unconscious in a pool of blood, having sustained multiple injuries on her head, arm and face, with blood oozing from her head. With the assistance of neighbours, she was immediately removed to Gaba Hospital, Yamuna Nagar, for medical treatment. The complainant expressed suspicion against Rajinder Singh son of Leelu Ram, alleging that he had caused injuries to his wife with a knife, as the complainant's younger son Mukesh had entered into a love marriage with Suman, a close relative of the said Rajinder Singh, which was opposed by him. The said statement was recorded by ASI Om Parkash, the Investigating Officer, on the basis whereof the present FIR was registered.

6 During the course of investigation, various articles were recovered from the place of occurrence, including bus tickets, two blood-stained knives, two broken teeth, a blood-stained button, one receipt, currency notes and coins amounting to Rs. 41.50, broken bangles, a blood-stained bedsheet and a blood-stained dupatta, which were taken into possession vide recovery memo dated 27.03.2008. A scaled site plan dated 16.04.2009 was prepared by PW8 Constable Ram Kumar. The medico-legal report dated 27.03.2008 of the injured Smt. Parkasho Devi was obtained from Gaba Hospital, Yamuna Nagar. As per medical opinion

dated 28.03.2008 furnished by PW7 Dr. Vandana, the injuries sustained by the victim were sufficient to cause death in the ordinary course of nature. The CT scan report dated 27.03.2008 was also collected.

7 Subsequently, the statement of the injured Smt. Parkasho Devi came to be recorded on 01.04.2008, after she was duly declared fit to make a statement by the attending medical authorities. In the said statement, she attributed the assault to accused Gulab Singh, specifically stating that he had inflicted the injuries upon her on 27.03.2008. Pursuant thereto accused Gulab Singh was arrested on 01.04.2008.

8 After completion of the investigation challan against the appellants was presented in the Court and copies of the same were supplied to the accused.

9 Upon consideration of the material placed on record and finding that a prima facie case was made out, the Trial Court framed charge against the appellant under Sections 307, 326 and 450 IPC. The appellants pleaded not guilty to the charge and claimed trial.

10 In order to prove its case, prosecution examined the following witnesses, who tendered the following documents: -

PW No.	Name & Designation	Role in Prosecution Case	Documents/Exhibits Proved/Tendered
PW1	Raj Kumar (Photographer)	Proved photographs of the place of occurrence	Photographs Ex. P1 & Ex. P2
PW2	HC Kapil Kumar	Proved registration of FIR	FIR Ex. PG/2
PW3	HC Suresh Kumar	Associated with Investigating Officer during investigation	— (Corroborative testimony)

PW4	Om Parkash (Complainant)	Husband of injured; complainant witness	Statement Ex. PG
PW5	Smt. Parkasho Devi (Injured)	Star witness; victim of occurrence	Statement implicating accused
PW6	Ram Kumar	Elder son of complainant; supporting witness	—
PW7	Dr. Vandana	Medical expert	Medico-Legal Report Ex. PH
PW8	Constable Ram Kumar	Prepared site plan	Scaled Site Plan Ex. PL
PW9	ASI Om Parkash (IO)	Investigating Officer; detailed investigation	Recovery memos, case property, and investigation record
PW10	Dr. R.S. Gill	Medical expert	CT Scan Report Ex. PQ
PW11	Constable Pardeep Kumar	Link evidence witness	— (Link evidence)
PW12	EASI Abhey Ram	Proved dispatch of special report	Special Report Ex. P12/A

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Additional Prosecution Witnesses/ Witnesses Given Up

Particulars	Details
Witness Given Up	Dr. Anoop Garg (given up as unnecessary)
Witnesses Given Up (20.03.2009)	Constable Rajinder Singh and Inspector/SHO Balvinder Singh (given up as unnecessary)
Documents Tendered (20.03.2009)	Reports Ex. PM/1 and Ex. PM/2 (tendered in evidence by learned Public Prosecutor)

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Upon closure of prosecution evidence, while recording his statement under Section 313 Cr.P.C. the appellant when confronted with evidence appearing against them, denied all the evidence and pleaded false implication. In defence, the accused-appellant examined Smt. Labh Kaur Saini, who is the sister of the accused Gulab Singh and the wife of

PW6 Ram Kumar, as DW1. Additionally, one document, namely FIR Ex. DC, was tendered in defence evidence.

13 The parties were heard by the trial Court and after considering the evidence adduced and the rival submissions advanced, the appellant was convicted for commission of offences under Sections 307, 326 and 450 of the Indian Penal Code, 1860 and sentenced as above. Hence, the present appeals.

14 At the outset, learned counsel appearing on behalf of the appellant Gulab Singh contends that he has instructions not to dispute the conviction. He thus prays to confine only to quantum of sentence. The following mitigating circumstances are pointed out by the counsel for the appellant: -

- a. The incident in question pertains to the year 2008 and a period of more than 18 years has elapsed since the date of the occurrence, thus diluting the immediacy and necessity of continued penal consequences.
- b. At the time of conviction, the appellant was approximately 64 years of age and as of now, he is around 88 years old, placing him in an advanced stage of life warranting a humane and compassionate approach in sentencing.
- c. There is no material on record to suggest that the appellant had any prior criminal antecedents and there is nothing on record to indicate his involvement in any other criminal activity either prior to or subsequent to the present

occurrence.

d. The appellant is in a fragile state of health, suffering from multiple age-related ailments and complications, which render continued incarceration not only onerous but potentially detrimental to his survival and dignity.

e. In the twilight of his life, subjecting the appellant to undergo the remaining period of sentence would serve no meaningful penological purpose but would worsen his physical and mental suffering.

f. The long lapse of time, coupled with the appellant's advanced age, medical condition and absence of criminal propensity, deserves a reformatory and compassionate approach rather than a purely retributive one.

15 Learned counsel appearing on behalf of the respondent-complainant (petitioner in CRR-2134-2011), on the other hand, vehemently opposes the plea for reduction of sentence and contends that the appellant had inflicted as many as 22 injuries upon the person of the injured, which, by their very nature and multiplicity, demonstrate a clear intention to cause death. He contends that the manner of assault, coupled with the number and location of injuries, it cannot be perceived that he was not aware of the consequences of his act. It is further contended that the prosecution has successfully established its case through cogent and convincing testimonies of the prosecution witnesses. The nature of injuries and the seat thereof clearly establish that the assault was not only

gruesome but was also brutal, thereby warranting a stern view in the matter of sentencing. On such premise, he submits that the sentence awarded to the appellant by the trial Court is inadequate and needs to be enhanced. He, however, does not dispute that the appellant is more than 84 years of age as on today. The clean antecedents of the appellant are also not disputed.

16 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present appeal and revision, including the impugned judgment.

17 The trial Court while passing the impugned judgment observed as under: -

“Having heard the perusing record of the case carefully, I am of the considered view that prosecution has been able to prove the charge framed against the accused beyond shadow of doubt and therefore, he deserves to be held guilty and convicted accordingly.”

18 It is thus evident from the record that the trial Court has considered all the aspects of the matter, including the testimonies of the prosecution witnesses, inter alia, the complainant and other material witnesses, as well as the medical evidence adduced in support of the prosecution case. After considering all the arguments and appreciating the oral as well as medical evidence on record and other attending circumstances, the trial Court proceeded to record a finding of conviction

against the appellant and imposed the sentence as delineated in the preceding paragraph of this judgment.

19 Further, neither counsel for the appellant nor counsel for the complainant-petitioner have been able to demonstrate any patent illegality, perversity or material infirmity in the findings recorded by the trial Court. No circumstance has been brought to the notice of this Court which would warrant interference with the well-reasoned conclusions arrived at on the basis of the evidence on record. The conclusions drawn are founded upon a cogent analysis of the material available on record and cannot be said to suffer from any misapplication of law or misreading of evidence. In such circumstances, the judgment of conviction dated 29.01.2011 passed by the learned Additional Sessions Judge, Yamuna Nagar, does not call for any interference by this Court. Consequently, the appeal preferred by the appellant, insofar as it seeks setting aside of the judgment of conviction, being devoid of merit, is accordingly dismissed.

20 Even otherwise, since the appellant in CRA-S-493-SB-2011 has expressly given up the challenge to the judgment of conviction on merits, this Court refrains from re-appreciating the evidence and the findings of conviction. Even the petitioner in Criminal Revision No.2134 of 2011 also seeks only enhancement of the sentence. The scope of the present consideration is, thus, confined solely to the aspect of sentencing i.e. the quantum and adequacy of punishment to be imposed in the facts and circumstances of the case.

21 This Court, in CRR-2697-2025 titled **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."

22 Having regard to the totality of the circumstances, including the lapse of more than 18 years since the occurrence, the advanced age of the appellant (now approximately 88 years), his fragile health condition, absence of any criminal antecedents and further bearing in mind the judicial precedent on the subject, I am of the opinion that no useful purpose would be served by directing enhancement of the sentence or directing the appellant to undergo the remaining sentence. The peculiar facts and circumstances, as noticed hereinabove, justify a modification of the sentence in the interest of justice.

23 In so far as the prayer made in CRR-2134-2011 seeking enhancement of sentence is concerned, I am of the opinion that while the nature of allegations and the injuries inflicted cannot be understated, it is equally incumbent upon the Court to balance the punitive element of sentencing with the principles of proportionality, reformatory justice and humanitarian considerations. The mitigating circumstances, as mentioned hereinabove collectively weigh heavily against any enhancement of

sentence. In such peculiar and compelling circumstances, directing further incarceration or enhancement of punishment would neither subserve the ends of justice nor advance the cause of penology. In view of the above, this Court is of the view that the prayer for enhancement of sentence is wholly devoid of merit. Consequently, the revision petition bearing CRR-2134-2011 is dismissed.

24 Hence, the judgment of conviction dated 29.01.2011 is affirmed. However, in so far as the question of sentence is concerned, and for the reasons recorded hereinabove, the order of sentence dated 31.01.2011 is modified. The sentence awarded to the appellant is reduced to the period already undergone by him.

25 The appeal stands partly allowed and the criminal revision seeking enhancement of sentence is dismissed being devoid of any merits.

26 A photocopy of the order be placed on the connected file(s).

April 01, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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