



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

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**CRA-S-815-SB-2011
Date of decision: 06.03.2026**

AMRIK SINGH @ GORA

.....Appellant

VERSUS

THE STATE OF PUNJAB

.....Respondent

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

Present: - Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate
for the appellant.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is an appeal against the judgment of conviction and order of sentence dated 04.03.2011 passed by the Additional Sessions Judge, Barnala whereby the appellant had been convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 10,000/- (and in default of payment of fine to further undergo rigorous imprisonment for a period of six months) for commission of offence under Section 304-A of the Indian Penal Code in case bearing FIR No. 10 dated 17.02.2009 registered under Section 304 of the Indian Penal Code at Police Station Barnala.

2. Briefly stated, the complainant, Pritam Singh, submitted a complaint to SSP, Barnala, seeking action against the accused regarding the murder of his son, Ravinder Singh, on 27.10.2008. It was alleged that on that day, Ravinder Singh had been bringing paddy from the fields of Ram Singh son of Sajjan Singh, from village Thuliwal to Gurma on a tractor-trolley. After parking the tractor-trolley on a kutchra path near a rice mill, he started repairing it. In the meantime, a tractor bearing No. PB-55-1554 (Swaraj 735) with trolley belonging to Nachattar Singh son of Kartar Singh, driven by Amrik Singh @ Gora, resident of Thuliwal, arrived at the spot. Due to previous enmity over a land dispute, the accused allegedly intentionally entangled his trolley with the trolley of Ravinder Singh and drove the tractor in such a manner that its tyre ran over the chest of Ravinder Singh. Owing to the slope at the spot, the trolley further crushed his body. Thereafter, the accused fled from the spot along with the tractor-trolley. It was further alleged that Ravinder Singh had informed his father about the occurrence on his mobile phone at about 5:45 PM. The complainant immediately proceeded to the spot and learned that Surjit Singh, son of Ram Singh, had taken the injured to a doctor's clinic on a trolley and thereafter shifted him to a car. On the way to Barnala, Ravinder Singh narrated the occurrence to the complainant in the presence of Balbir Singh son of Sarwan Singh, but he succumbed to his injuries on the way. Subsequently, proceedings under Section 174 Cr.P.C. were initiated on 28.10.2010, and post-mortem examination of the dead body was conducted. An application was moved seeking re-investigation of the matter.

3. Upon completion of the investigation, the challan was presented against the appellant before the competent Court. Copies of the documents were supplied to the appellant as envisaged under Section 207 Cr.P.C.

4. After the parties had led their respective evidence and on conclusion thereof, the incriminating material was put to the appellant herein while recording statements under Section 313 Cr. P.C. The appellant was held guilty and sentenced accordingly by the Sessions Court. Aggrieved thereof, the present appeal had been instituted.

5. At the outset, learned counsel for the appellant submits that he doesn't want to challenge the judgment on merits and confines his prayer and arguments only to the quantum of sentence awarded. He contends that the appellant's sentence was suspended by this Court vide order dated 23.03.2011. He contends that the appellant is the only breadwinner of his family. The FIR in the present case was registered in 2009, and 17 years have elapsed since then. The appellant has faced the agony of protracted criminal proceedings for more than 17 years and has already undergone custody of more than 07 months during the trial. It is further contended that the appellant is a first-time offender and has no other criminal antecedents, and there is nothing on record to suggest that the appellant has misused the concession of suspension of sentence that had been awarded to him.

6. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the appellant, has argued that the prosecution has successfully established the guilt of the appellant through cogent, reliable, and convincing evidence brought on record during the trial.

It is further contended that the offence committed by the appellant is of a serious nature and, therefore, calls for the imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

7. I have heard learned counsel representing the parties and have gone through the case record.

8. Since the appellant has given up the challenge to the judgment of conviction on merits, the said issues are not being gone into at this stage. The discussion is thus solely restricted to the issue of sentencing and quantum of punishment.

9. The Hon'ble Supreme Court in the matter of **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and

individual redemption.

10. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of the dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court to extend opportunity to a convict for reforming himself. The principles of proportionality have to be balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

11. A nine judge bench of the Supreme Court of the United States, in *Dennis Councle McGautha v. State of California* reported as 402 U.S. 183 (1971), observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences. The Court further cautioned against rigidly prescribing or mandating uniform standards for sentencing, emphasizing that the principles governing punishment must depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

12. 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.

13. The penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities, particularly when the offender has exhibited genuine reformatory conduct. The sentence, therefore, warrants suitable modification to reflect recognition and encouragement of such good behaviour.

14. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse and rehabilitation, the emphasis must shift from retribution to reintegration into society.

15. The case in hand is yet another where interest of justice would warrant a reformatory 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.

16. Adverting to the facts of the present case and the mitigating circumstances as pointed out by counsel for the appellant, it is established that the appellant is a first-time offender with no criminal antecedents. He

has undisputedly faced the agony of a criminal trial for a period of 17 years. Besides, he has already undergone an actual custody of more than 7 months out of a total sentence of 2 years. There is also no material to show that the appellant has indulged in any other crime after his release on bail. He has thus shown a reformatory tendency.

17. This Court is of the opinion that sufficient mitigating circumstances exist in the present case and the same call for interference and modification in the sentence, under the above peculiar circumstances.

18. Taking into consideration the facts relied upon by the appellant, I thus deem it appropriate to **partly allow the appeal**. While maintaining the judgment of conviction, the order of sentence is modified. The sentence awarded by the Additional Sessions Judge, Barnala, vide order dated 04.03.2011, is modified and reduced to the period already undergone.

19. All the pending miscellaneous application(s), if any, are also disposed of.

MARCH 06, 2026

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No