



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRR-577-2022
Date of decision: 22.04.2026

ABDUL RAZAKPetitioner

VERSUS

STATE OF PUNJABRespondent

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

Present: - Ms. Pahul Preet Kaur, Advocate
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present revision petition has been preferred against the judgment of conviction in Challan No. 89 dated 06.11.2015 and order of sentence dated 04.06.2018, passed by the Sub Divisional Judicial Magistrate, Malerkotla whereby the petitioner has been convicted in case bearing FIR No.105 dated 03.11.2015 registered under Sections 353, 332, 186 and 506 of the IPC at Police Station, City I, Malerkotla and sentenced as under:

Offence under Section	Imprisonment
353 IPC	To undergo rigorous imprisonment for 02 years
332 IPC	To undergo rigorous imprisonment for 02 years

186 IPC	To undergo rigorous imprisonment for 03 months
---------	--

Challenge is also to the judgment dated 04.03.2022 passed by the Additional Sessions Judge, Sangrur, in CRA-301 dated 03.07.2018 whereby the appeal against the judgment of conviction and order of sentence dated 04.06.2018 was dismissed.

2. Briefly stated, the prosecution case is that on 03.11.2015, an application was submitted by Mohd. Iliyas alleging that his brother, Abdul Razak, had been threatening and abusing him, including threats to harm his children, owing to ongoing disputes between them. The said application was marked to Head Constable Bhinder Singh, who conducted an inquiry after summoning both parties. During the course of the inquiry, it is stated that Abdul Razak became aggressive, raised his voice and used abusive language against Mohd. Iliyas. When HC Bhinder Singh attempted to mediate and pacify the matter, the accused accused him of acting under pressure and abused him as well. It is further alleged that the accused assaulted HC Bhinder Singh, scuffled with him and tore his uniform while he was discharging his official duties. Upon hearing the commotion, other police officials intervened and apprehended the accused in the presence of witnesses, namely Sinderpal Singh and Mohd. Aabid, who are stated to have witnessed the occurrence. On the basis of these allegations, the present FIR was registered against the accused for offences punishable under Sections 353, 332, 186, and 506 of the Indian Penal Code.

3. After completion of the investigation, the final report under Section 173 Cr.P.C. against the petitioner-accused and documents were

supplied to the accused-petitioner free of cost.

4. Finding a prima facie case having been made out, the petitioner was charge-sheeted for the commission of offences punishable under Sections 353, 186 and 332 of the Indian Penal Code, 1860 and the contents of the same were read over the and explained to the accused, to which he pleaded not guilty and claimed trial.

5. In support of its case, the prosecution examined the following witnesses and thereafter the evidence was closed by order:

PW-1	Md. Illiyas (Brother of Accused/Complainant)
PW-2	HC Bhinder Singh (Complainant)
PW-3	ASI Surjit Singh (Investigating Officer)
PW-4	HC Mohd. Sharif
PW-5	HC Kuldeep Singh
PW-6	ASI Gurjant Singh
PW-7	HC Jasvir Singh
PW-8	Insp. Harwinder Singh

6. The entire evidence was put to the petitioner and his statement under Section 313 Cr. P.C. was recorded. He denied the same but led no evidence in defence.

7. On consideration of the evidence and hearing the arguments, Sub Divisional Judicial Magistrate , Malerkotla convicted the petitioner vide judgment dated 04.06.2018 and sentenced him as mentioned above. Appeal

against the order of conviction & sentence was also dismissed by the Additional Sessions Judge, Sangrur vide judgment dated 04.03.2022. Hence, the present petition.

8. At the outset, learned counsel for the petitioner contends that she does not wish to challenge the conviction and confines her prayer only to the sentencing part. She points out the following mitigating circumstances in the present case:

- a. The occurrence pertains to the year 2015 and nearly 10 years have elapsed since then, during which the petitioner has faced prolonged criminal proceedings.
- b. The petitioner has already undergone actual custody of 4 months and 07 days out of the total sentence of two years.
- c. At the time of conviction, the petitioner was approximately 48 years of age and is now around 56 years old, indicating advancement in age warranting a more humane approach in sentencing.
- d. The petitioner has endured the ordeal of a protracted trial spanning nearly a decade, which itself has had a deterrent and reformatory impact.
- e. The allegation against the petitioner pertains to use of criminal force against a public servant (HC Bhinder Singh) during discharge of official duty, without any allegation of extreme or aggravated violence against the society at large.
- f. In view of the long passage of time, the custody already undergone and the overall circumstances, it is prayed that the sentence be reduced to the period already undergone.

9. On the other hand, the learned State counsel, while opposing the

submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent and reliable evidence brought on record during the trial. It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for 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.

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

11. 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.

12. Taking into consideration that the occurrence pertains to the year 2015 and nearly a decade has elapsed, during which the petitioner has undergone the ordeal of prolonged criminal proceedings; that he has already undergone actual custody of 04 months and 10 days out of the total sentence

of 02 years; that there is no material to indicate conviction in any other criminal cases and further that the petitioner is now around 56 years old and has spent a substantial part of his life under the shadow of litigation, this Court is of the view that the ends of justice would be adequately met by directing that the sentence awarded to the petitioner be reduced to the period already undergone.

13. Accordingly, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded by the Sub Divisional Judicial Magistrate, Malerkotla vide judgment dated 04.06.2018, is modified to the period already undergone.

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

(VINOD S. BHARDWAJ)
JUDGE

APRIL 22, 2026
Vishal Sharma

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