



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

245

**CRA-S-914-2025 (O&M)
Date of decision:28.01.2026**

Honey Sahota @ Honey

.....Appellant

VERSUS

State of Punjab

....Respondent

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

Present: Mr. Vipin Kumar Sharma, Advocate for the appellant.

Mr. Mohit Kapoor, Sr.DAG, Punjab.

VINOD S. BHARDWAJ. J.(Oral)

1. The present appeal has been preferred against the judgment of conviction dated 18.12.2023 and order of sentence dated 21.12.2023 passed by the Additional Sessions Judge, Jalandhar in case bearing FIR No.13 dated 01.02.2021 registered under Sections 379-B read with Section 34 and 411 of the Indian Penal Code, 1860 at Police Station Division No.7, Jalandhar, whereby the appellant has been convicted and sentenced to undergo rigorous imprisonment for 05 years with fine of Rs.10,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 01 month.

2. Succintly, the facts of the present case are that on 01.02.2021, ASI Balwinder Singh, along with other police officials, was present near the Electricity Office, Chaupati Market, in connection with checking of suspicious persons. In the meantime, complainant Jarina Masih daughter of Chanan Masih appeared before him and got her statement recorded. She stated that she is working as a Staff Nurse at

Innocent Hospital, Khambra. On that day, she was going on foot to the hospital to join her duty. At about 11:50 AM, after crossing the railway crossing and when she was just behind the traffic lights, two young men came from behind on a motorcycle. The pillion rider snatched her purse. Thereafter, both persons left the motorcycle at the spot and fled away along with her purse. The motorcycle left at the spot was a black Hero Splendor bearing registration No. PB-02-CE-2699. One of the two persons sustained multiple injuries due to falling from the motorcycle. The purse snatched from her was black-brown in colour and contained a smaller brown purse. It also contained her identity card, Aadhaar card, one photograph, one lunch box, a currency note of Rs. 100/-, and other small articles. Subsequently, she came to know that one of the persons who had snatched her purse was Honey Sahota alias Honey, son of Chaman Lal, resident of 3614, Street No. 4, Tej Mohan Nagar, Jalandhar. However, she did not know the name of the other person. She requested that necessary legal action be taken against the said persons.

3. On the basis of the statement made by the complainant, an FIR in the present case was registered and during the course of investigation, a brown colour purse of complainant snatched by the said accused persons alongwith some documents and currency note of Rs.100/- were recovered. The vehicle involved in the incident was taken into police possession after preparing recovery memos and their mechanical inspection was conducted, whereupon mechanical test reports were obtained. The place of incident was photographed on the date of the incident and the photographs were taken into police possession by way

of recovery memo.

2. Upon completion of the necessary investigation and other statutory formalities, the police presented the challan before the Court for the trial of the accused.

3. On completion of the procedural compliances, parties led their respective evidence. The prosecution examined as many as 07 witnesses and the evidence was thereafter closed:

PW-1	Jarina Masih (Complainant) – who identified the accused and proved recovery of her purse and documents
PW-2	ASI Balwinder Singh (Investigating Officer)- who recorded the statement, prepared site plan and effected recovery
PW-3	HC Gagandeep Singh – corroborated arrest , recovery and identification proceedings
PW-4	ASI Baljit Singh- proved forwarding of ruqa
PW-5	Sanjiv Kumar (registered owner of the motorcycle)
PW-6	Harwinder Singh (Junior Assistant, RTA Office) – proved registration details
PW-7	Akhil – identified the recovered motorcycle as the one stolen from him on 31.01.2021

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

5. On consideration of the evidence and hearing the arguments, the appellant was convicted by the Additional Sessions Judge, Jalandhar vide judgment dated 18.12.2023 and was sentenced as mentioned above. Aggrieved of the same, the present appeal has been filed.

6. After arguing at some length, counsel for the appellant states that he does not press the present appeal on merits and contends that he would confine his challenge only to the quantum of punishment that has been awarded. The following mitigating circumstances are pointed out by the counsel for the appellant:

A. That the incident in question pertains to the year 2021, and almost 05 years have elapsed since the date of incident. The inordinate passage of time has, in itself, operated as a substantial punitive factor.

B. That the appellant has already undergone an actual custody of more than 04 years and 01 months out of the total sentence of 05 years.

C. That the appellant has suffered the ordeal of a prolonged criminal trial spanning over 04 years, during which he has lived under constant anxiety and social stigma.

D. The long interregnum without any subsequent criminal conduct clearly indicates that the appellant has reformed himself and has successfully reintegrated into the mainstream of society, fulfilling the rehabilitative object of criminal jurisprudence.

E. Appellant is a young boy aged 23 years with his entire life and career ahead of him and deserves an opportunity to reform and reintegrate into the mainstream of society.

F. In the facts and circumstances of the case, continued imprisonment would be retributive rather than reformatory, and would not advance the ends of justice.

Accordingly, it is prayed that the sentence imposed upon the appellant be reduced to the period already undergone.

7. 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 trial. It is further contended that the offence committed by the appellant is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that the appellant is a habitual offender and is involved in 04 other FIRs and 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.

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

9. Since the appellant has given up the challenge to the judgment of conviction on merits, hence, the said issues are not being

gone into at this stage. The discussion is thus restricted solely to the issue of sentencing and quantum of punishment.

10. The Hon'ble Supreme Court has laid down certain principles to govern the Courts in the matter of sentencing. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in the matter of **State of Punjab Vs. Prem Sagar & Ors (2008) 7 SCC 550.** The relevant extract of the said judgment is reproduced hereinbelow: -

5. 'Whether the Court while awarding a sentence would take recourse to the principle of deterrence or reform or invoke the doctrine of proportionality, would no doubt depend upon the facts and circumstances of each case. While doing so, however, the nature of the offence said to have been committed by the accused plays an important role. The offences which affect public health must be dealt with severely. For the said purpose, the courts must notice the object for enacting Article 47 of the Constitution of India.

6. There are certain offences which touch our social fabric. We must remind ourselves that even while introducing the doctrine of plea bargaining in the Code of Criminal Procedure, certain types of offences had been kept out of the purview thereof. While imposing sentences, the said principles should be borne in mind.

7. A sentence is a judgment on conviction of a crime. It is resorted to after a person is convicted of the offence. It is the ultimate goal of any justice-delivery

system. Parliament, however, in providing for a hearing on sentence, as would appear from sub-section (2) of Section 235, sub-section (2) of Section 248, Section 325 as also Sections 360 and 361 of the Code of Criminal Procedure, has laid down certain principles. The said provisions lay down the principle that the court in awarding the sentence must take into consideration a large number of relevant factors; sociological backdrop of the accused being one of them.

8. Although a wide discretion has been conferred upon the court, the same must be exercised judiciously. It would depend upon the circumstances in which the crime has been committed and his mental state. Age of the accused is also relevant.

9. What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine.

10. In Dhananjoy Chatterjee Alias Dhana v. State of W.B. [(1994) 2 SCC 220], this Court held:

"15...Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the

crime so that the courts reflect public abhorrence of the crime..."

11. Gentela Vijayavardhan Rao and Another v. State of A.P. [(1996) 6 SCC 241], following Dhananjay Chatterjee (supra), states the principles of deterrence and retribution but the same cannot be categorized as right or wrong. So much depends upon the belief of the judges.

12. In a recent decision in Shailesh Jasvantbhai and Another v. State of Gujarat and Others [(2006) 2 SCC 359], this Court opined:

"7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of 'order' should meet the challenges confronting the society. Friedman in his Law in Changing Society stated that: "State of criminal law continues to be--as it should be--a decisive reflection of social consciousness of society." Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation,

sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

*Relying upon the decision of this Court in *Sevaka Perumal v. State of T.N.* [(1991) 3 SCC 471], this Court furthermore held that it was the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc.*

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18. Don M. Gottfredson in his essay on "Sentencing Guidelines" in "Sentencing by Hyman Gross and Andrew von Hirsch" opines:

"It is a common claim in the literature of criminal justice and indeed in the popular press that there is considerable "disparity" in sentencing. The word "disparity" has become a prerogative and the concept of "sentencing disparity" now carries with it the connotation of biased or insidious practices on the part of the judges. This is unfortunate in that much otherwise valid criticism has failed to separate justified variation from the unjustified variation referred to as disparity. The phrase "unwarranted disparity" may be preferred; not all sentencing variation should be considered unwarranted or disparate. Much of it properly reflects varying degrees of seriousness in the offense and/or varying

characteristics of the offender. Dispositional variation that is based upon permissible, rationally relevant and understandably distinctive characteristics of the offender and of the offense may be wholly justified, beneficial and proper, so long as the variable qualities are carefully monitored for consistency and desirability over time. Moreover, since no two offenses or offenders are identical, the labeling of variation as disparity necessarily involves a value judgment- that is, disparity to one person may be simply justified variation to another. It is only when such variation takes the form of differing sentences for similar offenders committing similar offenses that it can be considered disparate."

[Emphasis supplied]

The learned author further opines:

"In many jurisdictions, judicial discretion is nearly unlimited as to whether or not to incarcerate an individual; and bound only by statutory maxima, leaving a broad range of discretion, as to the length of sentence."

19. Kevin R. Reitz in Encyclopedia of Crime and Justice, Second edition "Sentencing guidelines" states:

"All guideline jurisdictions have found it necessary to create rules that identify the factual issues at sentencing that must be resolved under the guidelines, those that are potentially relevant to a sentencing decision, and those viewed as forbidden considerations that may not be taken into account by sentencing courts. One heated controversy, addressed differently across jurisdictions, is whether the guideline sentence should be based exclusively on

crimes for which offenders have been convicted ("conviction offenses"), or whether a guideline sentence should also reflect additional alleged criminal conduct for which formal convictions have not been obtained ("non-conviction offenses").

Another difficult issue of fact-finding at sentence for guideline designers has been the degree to which trial judges should be permitted to consider the personal characteristics of offenders as mitigating factors when imposing sentence. For example: Is the defendant a single parent with young children at home? Is the defendant a drug addict but a good candidate for drug treatment? Has the defendant struggled to overcome conditions of economic, social or educational deprivation prior to the offense? Was the defendant's criminal behavior explicable in part by youth, inexperience, or an unformed ability to resist peer pressure? Most guideline states, once again including all jurisdictions with voluntary guidelines, allow trial courts latitude to sentence outside of the guideline ranges based on the Judge's assessment of such offender characteristics. Some states, fearing that race or class disparities might be exacerbated by unguided consideration of such factors, have placed limits on the list of eligible concerns. (However, such factors may indirectly affect the sentence, since judges are permitted to base departures on the offender's particular 'amenability' to probation (Frase, 1997).)"

20. Andrew von Hirsch and Nils Jareborg have divided the process of determining sentence into stages of determining proportionality while determining a sentence, namely:

1. What interests are violated or threatened by the standard case of the crime- physical integrity, material support and amenity, freedom from humiliation, privacy and autonomy.

2. Effect of violating those interests on the living standards of a typical victim- minimum well-being, adequate well-being, significant enhancement

3. Culpability of the offender

4. Remoteness of the actual harm as seen by a reasonable man.'

11. 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.

12. Since the appellant has undergone 4 years, 1 month and 11 days out of the total sentence of 5 years awarded and is a young individual who should be given a chance of reformation, interest of justice would be served if the sentence is reduced to the period of sentence already undergone by the appellant herein.

13. In view of the foregoing facts and the mitigating circumstances noticed hereinabove, I deem it appropriate to partly allow the appeal. Accordingly, while the judgment of conviction is maintained, the order on sentence warrants interference. The sentence imposed by the learned Additional Sessions Judge, Jalandhar, vide order dated 21.12.2023, is hereby modified and reduced to the period of imprisonment already undergone by the appellant.

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

28.01.2026
Sumit Gusain

(VINOD S. BHARDWAJ)
JUDGE

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