

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:089922



204

CRR-2282-2010 (O&M)

Date of Decision: 03.07.2026.

Sanjiv Kumar @ Billu

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. B.P.S Virk, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioner has challenged the judgment dated 09.07.2010 passed by learned Additional Sessions Judge, Patiala, whereby the appeal filed by the petitioner, challenging the judgment of conviction dated 02.09.2009 and order of sentence dated 03.09.2009 passed by learned Sub Divisional Judicial Magistrate, Samana, was upheld.

2. The prosecution story in brief is that one ruqa sent by ASI Rakesh Kumar to the SHO Police Station Samana, to the effect that at about 1:30 PM, he along with some other police officials was on patrolling duty, where he received a secret information that petitioner Sanjiv Kumar @ Billu and one Dev Raj (proclaimed offender) had indulged in committing theft.

They had committed theft of car bearing registration No.DL-7CC-0915 Santro and would be coming to Patran side in search of a customer and if naka was put, the accused along with said car could be apprehended. Relying upon the aforesaid information, the case was registered. Thereafter, petitioner and Dev Raj since proclaimed offender reached there in the aforesaid Santro Car and they could not give any satisfactory explanation regarding the ownership of the vehicle in question. From the dashboard of the car, registration certificate was recovered and it was registered in the name of S. K. Kaul, Narvana Apartment, Patpar Ganj, Delhi. Accused failed to produce any driving license and the aforesaid vehicle in question was taken into police possession. Accordingly, the present FIR was registered.

3. Upon trial, vide judgment of conviction dated 02.09.2009 and order of sentence dated 03.09.2009 passed by learned Sub Divisional Judicial Magistrate, Samana, the petitioner was convicted and sentenced as under:-

Name of accused	Under Section	Imprisonment
Sanjiv Kumar @ Billu	411 IPC	To undergo rigorous imprisonment for 1½ years along with fine of Rs.300/- an in default of payment of fine to further undergo rigorous imprisonment for 15 days.

4. Aggrieved against the same, the petitioner preferred appeal before the learned Additional Sessions Judge, Patiala, and the judgment of conviction passed by the trial Court was upheld by the said Court and appeal was dismissed vide judgment dated 09.07.2010.

5. At the very outset, learned counsel for the petitioner has

submitted that the judgment of conviction of the petitioner is not being assailed on merits and he restricts his prayer for modification of order on quantum of sentence.

6. Per contra, learned counsel for the state submitted that the well reasoned judgment has been passed by both the Courts below based on correct appreciation of the evidence available on record and the petitioner does not deserve any leniency.

7. Learned counsel for the parties have been heard and the relevant record has been meticulously examined with their able assistance.

8. Since the revisionist/ petitioner has not challenged the judgment of conviction on merits, as such the said issues are not being gone into at this stage and it is being restricted to the issue pertaining to sentencing and quantum of punishment.

9. The Hon'ble Supreme Court in **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. Hon'ble Supreme Court again reiterated in **Ravada Sasikala v.**

State of AP reported as AIR 2017 SC 1166, that law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused. In order to determine the quantum of sentence, Courts should bear in mind the principle of proportionality as awarding punishment is not merely retributive but also reformative.

11. The perusal of impugned judgment reveals that there is no perversity and evidence on record has been appreciated in the right perspective, but as observed above, the counsel for the petitioner has not challenged the conviction on substantive grounds and while limiting his plea solely to modification of the quantum of sentence to one already undergone.

12. Learned State counsel has produced the custody certificate of the petitioner, as per which the petitioner has already undergone custody of 05 months and 26 days including remission out of awarded substantive sentence of 1½ years.

13. Taking into consideration the facts noticed above and that the petitioner has faced the rigors of a long criminal prosecution; in the facts and circumstances of the present case it would be in the interest of justice, if sentence awarded to the petitioner is reduced to the period already undergone by him.

14. Therefore, in view of the discussion above, the present revision is disposed of in the following terms:-

(i) The judgment dated 09.07.2010 passed by the learned Additional Sessions Judge, Patiala and judgment of conviction dated 02.09.2009 and order of sentence dated 03.09.2009 passed by learned Sub Divisional Judicial Magistrate, Samana are upheld with modification to the extent that the sentence of the petitioner is reduced to the period of sentence already undergone by him.

15. The concerned jail authorities are directed to release the petitioner immediately, if not required in any other case.

16. Pending miscellaneous application(s), if any, shall also stand disposed of.

17. Registry is directed to do the needful.

(SUKHVINDER KAUR)
JUDGE

03.07.2026

Komal

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