

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

2026.PHHC.054627



**CRR-1064-2012 (O&M)
Date of Decision: 08.04.2026**

IQBAL SINGH & ANOTHER ... PETITIONERS

VERSUS

STATE OF PUNJAB ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. A.S.Khinda, Advocate and
Ms. Kamaldeep Kaur, Advocate (Legal Aid Counsel)
for the petitioner.
Mr. Rohit Hans, D.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. Present revision has been filed against the judgment of conviction and order of sentence dated 26.08.2008 passed by the learned Judicial Magistrate First Class, Amritsar and judgment dated 27.02.2012 passed by the learned Addl. Sessions Judge, Amritsar whereby the petitioners were convicted and sentenced to undergo as under:-

Charge: Under Sections 467, 468, 471, 423 IPC

Sentence: To undergo rigorous imprisonment as under:

- (a) To undergo RI for a period of two years and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of three months under Section 467 IPC.
- (b) To undergo RI for a period of two years and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of three months under Section 468 IPC.
- (c) To undergo RI for a period of one year and fine of Rs.500/-, in default of payment of fine to further undergo rigorous

imprisonment for a period of one month under Section 471 IPC.

(d) To undergo RI for a period of two years under Section 423 IPC.

All the sentences were ordered to run concurrently.

2. The case of the prosecution is that the FIR was registered at the instance of the complainant, Mohan Singh, alleging that the petitioners, along with co-accused, fraudulently sold his property by falsely declaring him dead. Initially, petitioner No. 1 transferred the property to petitioner No. 2, who subsequently sold it to Mamta Verma. Thereafter, the property was transferred to her husband, Ashwani Verma. It is further alleged that the petitioners and co-accused also demolished the said property.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner No.1 was 50 years of age and petitioner No.2 was 48 years of age at the time of the incident and more than two decades have passed since they are facing the rigors of trial. They have already undergone custody for a period of 08 months and 21 days out of the awarded sentence of two years. He prays that since the occurrence is of the year 2004, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioners and has filed the custody certificates in the Court, which are taken on record. He further submits that the learned trial Court and the Appellate Court have passed well reasoned judgments based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2004 and the

petitioners have already faced the rigors of the trial for more than 21 years.

7. Hon'ble the Supreme Court in “***Deo Narain Mandal Vs. State of UP***”, (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the petitioner, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP***, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned Courts indicate no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioners has not assailed the judgment, rather restricted the

prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioners.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2004. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioners have already suffered the agony of protracted trial, spanning over a period of more than 21 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioners deserves to be dealt with leniency. The petitioners also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bangal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of petitioners, their status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioners is reduced to the period as already undergone by them.

11. Accordingly, judgment passed by the learned Judicial Magistrate First Class, Amritsar dated 26.08.2008 and judgment dated 27.02.2012 passed by the learned Addl. Sessions Judge, Amritsar are hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 467, 468, 471, 423 IPC is hereby modified and reduced to the period of sentence as already undergone by the petitioners. The petitioners

are on bail. They need not surrender. Their bail bonds are discharged.

- 12. With these modifications, the present petition is disposed of.
- 13. Pending application(s), if any, shall also stand disposed of.

08.04.2026

Janki

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(H.S.GREWAL)
JUDGE