

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRR-2528-2012 (O&M)
Date of decision: 12.01.2026

Baldev Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner

Mr. Jasjit Singh, DAG, Punjab

Mr. Tejinder Pal Singh, Advocate,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 17.08.2012, passed by the learned Sessions Judge, Sangrur, affirming the judgment/order of conviction by trial Court on 18.02.2012, whereby the petitioner was convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
326 IPC	RI for three years	Rs.1000/-	RI sixty days
324 IPC	RI for six months	Rs.500/-	RI Sixty days

2. Shorn of unnecessary details, the facts are that on 09.08.2009 the complainant-injured Surjit Singh got his statement recorded to the effect that on 08.08.2009 he went to his fields to irrigate them through canal water and his turn for the same was upto 4:30 AM. However, his neighbour, petitioner-Baldev Singh armed with gandasi and his son Pardeep Singh armed with stick had intercepted the turn of water before 4:00 AM and started irrigating their paddy crop. Upon this, he went to them and asked that their turn is to be started at 4:30 AM. On this,



petitioner gave the gandasi blow towards his head but he raised his left arm to save himself and the blow fell on his left arm. Co-convict Pardeep Singh gave the soti blow on his left leg, due to which he fell down. The former again gave another blow of gandasi and he raised his left hand to save himself due to which it fell on his little finger and ring finger. He raised alarm and upon hearing hue and cry, his brother Raj Singh came on the spot and requested the petitioner and his co-convict not to inflict injuries to him and they ran away from the spot after threatening to kill him. His brother took him to the house and he was saved by his cousin Malkiat Singh and admitted in hospital after arranging a vehicle. On the basis of his statement, an FIR was registered on 10.08.2009 under Sections 323, 324, 506, 34 IPC and later, on receipt of x-ray report as well as medical opinion, an offence punishable under Section 326 IPC was accordingly added.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-petitioner and his co-convict. On finding a prima facie case, charges under Sections 326, 323, 324, 34 IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 7 witnesses. Thereafter, the statements of the accused under Section 313 Cr.P.C. were recorded. The incriminating evidence was put to them, which they denied, pleading innocence and alleging false implication. In their defence, the petitioner alongwith his son, examined only one witness.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioners as noticed above, which further affirmed by the learned Appellate Court in an appeal preferred by them.

6. Aggrieved petitioners are before this Court.



7. Learned counsel restricts his prayer only for reducing the sentence awarded to the petitioner, who is 87 year old, to the period already undergone, it being 5 months and 19 days, on the ground that he is first time offender; belong to the poor strata of the society; sole breadwinner of his family; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial for the last 16 years.

8. Learned counsel for the complainant and State oppose on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioner, therefore, prays for the dismissal of the present petition. Learned State counsel, however, affirms the non-involvement of the petitioner in any other criminal case and the period undergone by him as per the custody certificate.

9. Heard the learned counsel on either side.

10. Evidently, PW1-Surjit Singh (complainant), in his deposition, had specifically named the petitioner, who gave beatings to him, which was duly corroborated by an eye-witness PW2-Raj Singh (brother of complainant). Furthermore, PW3-Dr. Dharmjinder Singh and PW4-Dr. Vijay Kumar Jindal, have duly proved the documents which were prepared by them during the course of treatment of the injured-complainant. On going through the evidence on record, the prosecution has proved the case against the petitioner. Thus, there is no scope for interference in the findings recorded and conclusion arrived at by the Courts below. As such, his conviction is upheld.

11. Regarding the prayer of the learned counsel for the petitioner that in view of the afore-stated mitigating circumstances, the sentence of the petitioner may be reduced to the period already undergone, it is apposite to make a reference to the



judgment of **Omanakkuttan and others v. State of Kerala**, SLP (Crl.) No.4500 of 2019, decided on 20.11.2020, wherein the accused were convicted under Sections 324, 326, 308 read with Section 34 IPC and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, by considering that the occurrence took place in 2002. Similarly in **Arjun and Others vs. State of Haryana**, CRA-S-1134-SB-2008, decided on 07.06.2023, the sentence awarded to the accused-appellants, who were convicted under Sections 323/34, 325/34 and 506 IPC for RI of 2 years, was reduced to the extent of already undergone, while observing that the appellants had already suffered sentence of 1 month, 13 days and 15 days respectively and faced the agony of trial for almost 17 years.

12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilized society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [**Maru Ram v. Union of India**, (1981) 1 SCC 107: 1981 SCC (Cri) 112]".

13. Hon'ble the Supreme Court in **Keshab Naskar vs. State**, 2012 SCC OnLine Cal 9400, keeping in view that 25 long years had since elapsed from the date of the incident, never misused the privilege of post-conviction bail, the sentence of imprisonment under Section 326 IPC of 6 years was reduced to the period already undergone i.e. 14 days pre-trial and about a month and 10 days post-



trial. In **Lehamber Singh vs. State of Punjab**, 2016 SCC OnLine P&H 8926, this Court had, in a case of conviction under Section 326 IPC, in consideration of the circumstances that the accused had faced the agony of protracted trial for the last more than 10 years; was a first offender; sole bread earner in the family; no antecedents of similar nature, taken a lenient view furthering the cause of justice and reduced the sentence from one year and a half to the period of one month and thirteen days, already undergone.

14. It is a settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. The object of the criminal justice system is to reform the offenders and to make them see and follow the right path. However, the ancient penological approach was of custodial measure to curb crime. A balanced approach keeping in view the interests of the victim and accused and their families, release on admonition, probation, etc. is the way forward.

16. Reverting to the facts of the present case as regards the prayer made on behalf of the petitioner is concerned, this Court considering the judgments referred to above and the mitigating circumstances, particularly that the petitioner belongs to poor strata of the society; has to take care of his family; not previous convict; undergone the substantive sentence, as noted above, suffering the ignominy of trial for the last more than 16 years; after release on bail, has not misused such concession granted to him, finds that the ends of justice would be adequately met if the sentence of the petitioner is ordered to be reduced to the period already undergone by him.

17. Accordingly, while upholding the conviction of the petitioner, his sentence is ordered to be reduced to the period already undergone by him.

However, keeping in view the gravity of an offence, the fine imposed upon him, be increased from Rs.1000/- to Rs.10,000/-, to be paid by the petitioner to the injured/complainant.

18. With the above modification in the order of sentence dated 18.02.2012 passed by learned Judicial Magistrate 1st Class, Dhuri, as noted above, the revision petition is partly allowed.

(AMAN CHAUDHARY)
JUDGE

12.01.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No