

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:062343



205

CRR-1054-2016 (O&M)

Date of Decision: 23.04.2026.

Mahesh Kumar

...Petitioner.

Versus

State of Haryana and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Ravinder Phogat, Advocate
for the petitioner.

Mr. R.K. Singla, Addl., A.G., Haryana.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioner has challenged the judgment dated 09.02.2016 passed by learned Additional Sessions Judge, Bhiwani, whereby the appeal filed by the petitioner, challenging the judgment of conviction dated 12.11.2013 and order of sentence dated 14.11.2013 passed by learned Sub Divisional Judicial Magistrate, Charkhi Dadri, in case FIR No.57 dated 27.02.2008, under Sections 147, 365, 323, 506, 120-B read with Section 149 IPC, registered at Police Station Badhra, was partly allowed and while acquitting him for offences under Sections 323, 147, 365 read with Section 120-B and 506 IPC convicted him only for offence under Section 120-B IPC.

2. Brief facts of this case are that on 11.02.2008, Bhoop Singh got

recorded his statement before the police to the effect that he had accompanied Barat of son of Ran Singh of village Dhanasari. At about 5.30 P.M. he along with Rampal was going towards the house of bride, then one pick up Dala came from backside in which 8-9 boys were sitting, 3 boys were sitting on front seat and 5-6 boys were sitting on the rear seat. Out of them, he identified one Manjeet, who shouted that the complainant had filed a false complaint against his family members and he asked the boys to pick him up in the pick up Dala to teach him a lesson. At this, 4-5 boys came down and dragged him to pick up Dala and went towards village Bachhri. On the way, Manjeet gave a knife blow on his left cheek and remaining assailants also gave him kick and fist blows and also took away Rs.4,700/-. The complainant was then pushed down from the vehicle in the Bani of village Bachhri and extended threat to the complainant that in case, he would take any action against Manjeet and the family of his maternal grandfather then the complainant, his daughter Sunita and his grandson would be killed. Accordingly, the present FIR was got registered. Upon trial, vide judgment of conviction dated 12.11.2013 and order of sentence dated 14.11.2013 passed by learned Sub Divisional Judicial Magistrate, Charkhi Dadri, the petitioner was convicted and sentenced as under:-

Under Section	Sentence
323 read with Section 120-B IPC	Imprisonment for a period 6 months along with fine of Rs.500/- and in default of payment of fine to further undergo imprisonment for a period of 01 month.
147 read with Section 120-B IPC	Imprisonment for a period 06 months along with fine of Rs.500/- and in default of payment of fine to further undergo imprisonment for a period of 01 month.
365 read with Section 120-B IPC	Imprisonment for a period one year along with fine of Rs.1,000/- and in default of payment of fine to further undergo imprisonment for a period of 03 months.

506 IPC	Imprisonment for a period 06 months along with fine of Rs.500/- and in default of payment of fine to further undergo imprisonment for a period of 01 month.
120-B IPC	Imprisonment for a period 06 month along with fine of Rs.500/- and in default of payment of fine to further undergo imprisonment for a period of 01 month.

3. Aggrieved against the same, the petitioner preferred appeal before the learned Additional Sessions Judge, Bhiwani, and the petitioner was acquitted for the offences under Sections 323, 147, 365 read with Section 120-B and 506 IPC. However, he was sentenced to undergo imprisonment for a period of 06 months along with fine of Rs.500/- and in default of payment of fine to further undergo imprisonment for a period of one months, under Section 120-B IPC only.

4. At the very outset, learned counsel for the petitioner has submitted that the aforesaid 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.

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

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

7. 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 the prayer is restricted to the issue pertaining to sentencing and quantum of punishment.

8. 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.

9. 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.

10. 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 while limiting his plea solely to modification of the quantum of sentence to one already

undergone.

11. Learned State counsel has produced the custody certificate dated 09.04.2016 of the petitioner, as per which the petitioner has already undergone custody of 03 months and 01 day out of awarded substantive sentence of 06 months.

12. Taking into consideration the facts noticed above 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.

13. Therefore, in view of the discussion above, the judgment dated 09.02.2016 passed by the learned Additional Sessions Judge, Bhiwani is upheld with modification to the extent that the sentence of the petitioner is reduced to the period of sentence already undergone by him.

14. Disposed of.

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

23.04.2026.

Komal

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