



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

120

CRR-1348-2016 (O&M)
Date of decision: 21.05.2026

SUKHTEJ SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

....Respondent

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

Present: Mr. Paramjeet Singh Brar, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Ms. Ravish Bansal, Advocate for the complainant.

VINOD S. BHARDWAJ. J.(Oral)

CRM-3838-2026

The present application has been filed for seeking fixing of an actual date of hearing of the main case.

For the reasons mentioned in the application, the same is allowed.

CRR-1348-2016

1. The present revision petition has been preferred against the judgment of conviction and order of sentence dated 08.10.2025 passed by the Chief Judicial Magistrate, Faridkot whereby the petitioners have been

convicted and sentenced to undergo rigorous imprisonment for a period of 02 year and to pay a fine of Rs. 5000/- and in default of payment of fine to undergo imprisonment for one month for commission offence under Section 326 read with Section 34 of the IPC and to undergo rigorous imprisonment for a period of three months for commission of offence under Section 323 IPC read with Section 34 of the IPC. A further challenge has also been raised to the judgment dated 11.02.2016 passed by the Additional Sessions Judge, Faridkot whereby the appeal filed by the petitioners has been dismissed.

2. Briefly stated, the facts of the present case are that on 21.06.2010, a telephonic message was received from MHC, P.S City Faridkot that one Gursewak Singh son of Basant Singh was admitted at Guru Gobind Singh Medical College and Hospital, Faridkot due to suffering of injuries. On receipt of the message, the investigating officer along with other police officials, after receiving copy of MLR of injured, reached Guru Gobind Singh Medical College and Hospital, Faridkot and recorded the statement of injured Gursewak Singh. He stated that he was resident of Kothe Warring, Kotkapura and that on 20.06.2010, at about 8.30 P.M, he was returning to his house from his fields on tractor. That when he reached near the school, adjacent to their fields, from the backside, accused Sukhtej Singh and Gurpreet Singh came on the scooter. He further stated that Sukhtej Singh was armed with gandasa whereas Gurpreet Singh was armed with tangli. Thereafter, Sukhtej Singh gave blow of gandasa upon him while he was sitting on the tractor which hit him on the backside of

his right hand. Thereafter, accused Gurpreet Singh gave blow of tangli which hit him on his head. He further stated that due to suffering of injuries, his tractor went out of control and stopped on the roadside and he fell down from the tractor. Thereafter, Sukhtej Singh gave gandas blow from its reverse side which hit on the thumb of his left hand. Gurpreet Singh again gave blow of tangli which hit on the base of the toe of his right foot. He further stated that thereafter two/three more persons came there and also caused injuries on his person. He further stated that in the meantime, Sukhmander Singh and Jagsir Singh reached the place of occurrence on motor cycle and raised hue and cry hearing which both the accused ran away from the spot along with their weapon of offence. He further stated that the motive behind the occurrence was that a dispute with regard to some land between him and accused persons was pending in the Court which was filed by Sukhchain Singh and the accused were holding grudge of the same. He further stated that thereafter Gurjant Singh arranged for vehicle and he was shifted to Guru Gobind Singh Medical College and Hospital, Faridkot where he was medically examined. In the end, prayer for taking legal action against the accused was made. On recording the statement, ruqa was prepared on the basis of which present FIR was registered. During the course of investigation, rough site plan of the place of occurrence was prepared, statements of witnesses were recorded, medical evidence was collected, accused were arrested, weapon of offence was recovered from their side and on completion of investigation, challan against the accused was presented in the Court.

3. After completion of the investigation, the final report under

Section 173 Cr.P.C. against the petitioners-accused and documents were supplied to the accused-petitioner free of cost.

4. Finding a prima facie case having been made out, the petitioners was charge-sheeted for the commission of offences punishable under Sections 326/323 of the Indian Penal Code, 1860 read with Section 34 IPC and the contents of the same were read over the and explained to the accused, to which they pleaded not guilty and claimed trial.

5. In support of its case, the prosecution examined the following witnesses and thereafter the evidence was closed by order:

PW-1	Gursewak Singh
PW-2	Jagsir Singh
PW-3	Amar Singh, Record Keeper, Guru Gobind Singh Medical College and Hospital, Fairdkot
PW-4	Dr. Rajiv Joshi
PW-5	ASI Harphool Singh
PW-6	Dr. Simmi Garg
PW-7	Inspector Shamsher Singh (Retd.)

6. The entire evidence was put to the petitioners and their statement under Section 313 Cr. P.C. was recorded. They denied the same and pleaded false innocence.

7. On consideration of the evidence on record and hearing the parties, the petitioners was convicted by the Chief Judicial Magistrate, Faridkot vide judgment of conviction and order of sentence dated

08.10.2015 and sentenced as mentioned above. Appeal against the order of conviction & sentence was also dismissed by the Additional Sessions Judge, Faridkot vide judgment dated 11.02.2016. Hence, the present petition.

8. Learned counsel appearing on behalf of the petitioners fairly submits that the parties have comprised the matter and the petitioners do not intend to assail or challenge the findings of conviction recorded by the Courts below on merits. It is contended that the petitioners accept the verdict of guilt and confines the present challenge solely to the quantum and nature of sentence imposed upon them. Having regard to the facts and circumstances of the case, the following mitigating circumstances have been pointed out:

- a. The occurrence in question pertains to the year 2010 and more than 15 years have elapsed since the registration of the case.
- b. The petitioners have faced the rigours, anxiety and mental agony of protracted criminal proceedings for nearly 15 years, which itself constitutes a significant mitigating circumstance while considering the question of sentence.
- c. The petitioners do not seek to challenge the conviction on merits and confines the prayer only to reduction of sentence, thereby reflecting acceptance of the verdict.
- d. The petitioners have already undergone actual custody of approximately 5 months and 13 days out of the total substantive sentence of two years imposed upon them.
- e. There is no allegation or material on record to indicate that the

- petitioners have been involved in any other criminal case, either prior to or subsequent to the present occurrence.
- f. The absence of any criminal antecedents or subsequent involvement in similar offences indicates that the petitioners has reformed themselves and has successfully reintegrated into the mainstream of society.
 - g. The conduct of the petitioners during the pendency of proceedings has remained satisfactory and there is nothing on record suggestive of misuse of concession of bail or any attempt to evade the process of law.
 - h. The prolonged pendency of the proceedings itself has operated as a substantial punitive factor and the petitioners have remained under continuous psychological and social stress owing to the criminal prosecution.
 - i. The penal consequences imposed upon the petitioners, in the peculiar facts and circumstances of the present case, deserve to be moderated so as to balance the ends of justice with the principles of proportionality and reformatory sentencing.
9. I have heard learned counsel for the petitioner and has gone through the case record.
10. Since learned counsel for the petitioners has expressly confined the challenge only to the quantum of sentence and has not assailed the findings of conviction recorded by the Courts below and also the fact that the matter has been comprised between the parties, this Court does not deem it necessary to reappreciate the evidence or examine the matter on merits with regard to the culpability of the petitioner. The

present petition is, therefore, being considered only to the limited extent of examining whether, in the facts and circumstances of the case and in light of the mitigating factors pointed out on behalf of the petitioner, any indulgence is warranted on the aspect of sentence.

11. This Court, in CRR-2697-2025 titled ***Lakshay Jain v. State of Punjab & Another***, vide order dated 14.11.2025, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself, establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

32. *The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work "Criminology,"*

observed that:

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

33. *Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.*

34. *While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances*

surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.

35. *While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.*

12. Having heard learned counsel for the petitioner and keeping in view the fact that the occurrence pertains to the year 2010; that the petitioners have already undergone substantial part of the substantive sentence; that they have faced the agony and rigours of protracted criminal proceedings for nearly 15 years; that they are not shown to be involved in any other criminal case; that their conduct during the pendency of

proceedings has remained satisfactory and further considering that the petitioners have not challenged the conviction on merits and has confined their prayer only to the question of sentence, this Court is of the view that the case warrants adoption of a compassionate and reformatory approach in the matter of sentencing. The cumulative effect of the aforesaid mitigating circumstances persuades this Court to hold that the ends of justice would be adequately served by suitably modifying the sentence imposed upon the petitioners.

13. In the totality of the circumstances, I am satisfied that adequate and compelling mitigating factors exist which justify interference with the quantum of sentence. The peculiar facts of the present case, as noticed hereinabove, clearly make out a case for reduction of the sentence to the period already undergone, as any further incarceration would not serve the ends of justice.

14. Accordingly, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded to the petitioners for commission of offenses under Sections 326, 323 read with Section 34 of the Indian Penal Code, 1860 by the Chief Judicial Magistrate, Faridkot vide order dated 08.10.2025 and affirmed by the Additional Sessions Judge, Faridkot vide judgment dated 11.02.2016, is modified and reduced to the period already undergone by them.

15. Since the main case has been partly allowed, the application bearing CRM-3841-2026 seeking setting aside of order dated 08.10.2015 passed by the Chief Judicial Magistrate, Faridkot is disposed of as having

been rendered infructuous.

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

MAY 21, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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