

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:075132



202

CRR-3193-2016 (O&M)

Date of Decision: 13.05.2026.

Ajay

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Ms. Amarjot Kaur, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioner has challenged the judgment dated 18.02.2016 passed by learned Sessions Judge, Jind, whereby the appeal filed by the petitioner, challenging the judgment of conviction dated 27.10.2014 and order of sentence dated 28.10.2014 passed by learned Judicial Magistrate Ist Class, Jind, was upheld.

2. Brief facts of the prosecution case are that on 12.09.2012, complainant Surrender along with Rajesh submitted a written complaint to the police alleging therein that on that day at about 2:40 P.M., they were going to Syndicate Bank, Rani Talab, Jind on motorcycle bearing registration No.HR31G-8145 for depositing Rs.4,75,000/-, which he received from Balraj on account of balance of sale consideration of a plot and he was a pillion rider having with him the said amount and his Bank

Account passbook. Suddenly, three boys came from their back side on motorcycle bearing No.DL-4C-4509 and blocked their passage at pistol point. The person having pistol in his hand was recognized by the complainant as Suresh, who asked them to handover the amount otherwise he will kill them. In the meantime, the person sitting in middle of the motorcycle snatched the amount. Accordingly, the FIR was registered. Upon trial, vide judgment of conviction dated 27.10.2014 and order of sentence dated 28.10.2014 passed by learned Judicial Magistrate Ist Class, Jind, the petitioner was convicted and sentenced as under:-

Name of accused	Under Section	Imprisonment
Ajay	392 read with Section 34 IPC	To undergo rigorous imprisonment for three years.
	417 read with Section 34 IPC	To undergo simple imprisonment for one year.

3. Aggrieved against the same, the petitioner preferred appeal before the learned Sessions Judge, Jind, and vide order dated 18.02.2016 the learned Appellate Court took the lenient view, keeping in view the age and antecedents of the applicant/ convict and observed that the sentence awarded by learned trial Court under Section 392 read with Section 34 IPC was on the higher side and reduced the same from three years to two years and maintained the sentence awarded under Section 417 IPC.

4. 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 her 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 by both the Courts below 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 it is being 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 and while limiting her plea solely to modification of the quantum of sentence to one already undergone.

11. Learned State counsel has produced the custody certificate of the petitioner, as per which the petitioner has already undergone custody of 01 year, 06 months and 26 days including remission out of awarded substantive sentence of two years.

12. Taking into consideration the facts noticed above that the petitioner has faced the rigors of a long criminal prosecution; he is first offender; 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 present revision is disposed of in the following terms:-

(i) The judgment dated 18.02.2016 passed by the learned Sessions Judge, Jind and judgment of conviction dated 27.10.2014 and order of sentence dated 28.10.2014 passed by learned Judicial Magistrate Ist Class, Jind are upheld with modification to the extent that the sentence of the petitioner is reduced to the period of sentence already undergone by him.

14. The concerned jail authorities are directed to release the

petitioner immediately, if not required in any other case.

- 15. Pending miscellaneous application(s), if any, shall also stand disposed of.
- 16. Registry is directed to do the needful.

13.05.2026

Komal

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned? : Yes/ No

Whether reportable? : Yes/ No