

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:043607



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CRR-3458-2016 (O&M)

Date of Decision: 19.03.2026.

Sukhwinder Singh

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioner has challenged the judgment dated 26.07.2016 passed by learned Additional Sessions Judge, Ferozepur, whereby the appeal filed by the petitioner, challenging the judgment of conviction and order of sentence dated 16.11.2015 passed by learned Judicial Magistrate Ist Class, Ferozepur, in case FIR No.97 dated 07.12.2010, under Sections 420 and 406 IPC, registered at Police Station Kulgarhi has been upheld.

2. Brief facts of this case are that on 06.12.2010, a letter was written by Suresh Sharma to SSP Ferozepur alleging that during the paddy season 2010-2011, the accused firm sold 5620 kattas (approximately 1962 quintals) of paddy to PUNSUP through Inspector Ram Yash, and payment

was duly released as per procedure. However, at the time of lifting, no stock of paddy was found at the premises of the accused, and subsequent verifications by concerned officials also confirmed the absence of stock. It was thus alleged that the accused, in connivance with the Inspector Ramyash, misappropriated government funds to the tune of approximately Rs.25.6 lakhs. On the basis of the said complaint, the present FIR was got registered against the petitioner. Upon trial, vide judgment of conviction and order of sentence dated 16.11.2015 passed by learned Judicial Magistrate Ist Class, Ferozepur, the petitioner was convicted and sentenced as under:-

Name of accused	Under Section	Imprisonment
Sukhwinder Singh	420 IPC	To undergo R.I. for 28 months and to pay a fine of Rs.10,000/-, in default of payment of fine, to undergo R.I. for one month.

3. Aggrieved against the same, the petitioner preferred appeal before the learned Additional Sessions Judge, Ferozepur, but the judgment of conviction passed by the trial Court was upheld by the said Court and appeal was dismissed with modification of order of sentence to reduce the sentence of imprisonment as 01 year along with fine of Rs.10,000/- and in default of payment of fine to further undergo R.I. for one month.

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 merit 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 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 his 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 07 months and 06 days including remission, out of awarded substantive sentence of 01 year.

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 present revision is disposed of in the following terms:-

(i) The judgment of conviction dated 26.07.2016 passed by the learned Additional Sessions Judge, Ferozpur and judgment of conviction dated 16.11.2015 passed by learned trial Court are upheld with the modification in the sentence to the extent that the sentence of the petitioner is reduced to the period of sentence already

undergone by him; fine if has not been paid will be paid by him before the Court concerned.

- 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.

19.03.2026.

Komal

(SUKHVINDER KAUR)
JUDGE

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