

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRR-3852-2016

Date of decision: 01.04.2026

Satnam Singh @ Sattu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. L.S. Mann, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. A.G. ,Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Petitioner has filed the instant revision petition to impugn the order dated 07.09.2016 passed by learned Additional Sessions Judge, Jalandhar whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 26.02.2016 passed by learned Judicial Magistrate First Class, Nakodar, was dismissed.

Vide judgment of conviction and order of sentence dated 26.02.2016, learned Judicial Magistrate First Class, Nakodar convicted and sentenced the petitioner as under:-

Offence(s)	Period of sentence(s)	Fine imposed	Period of sentence in default of payment of fine
326 of the IPC read with Section 34 of IPC	RI for ten months	Rs. 2,000/-	SI for a period of one month

2. Briefly, the prosecution case is that on 02.01.2010, complainant Gurpreet Singh, son of Sarabjit Singh, resident of Village Narangpur, P.S. Mehatpur, District Jalandhar, alleged that accused Sukha, Sattu(petitioner herein), and Kalu, armed with swords



(Kirpans), entered his house and caused injuries to him and his brother Sabi. Complainant's little finger was chopped off, and other injuries were also sustained. Initially, the matter was sought to be settled through the village panchayat, but the accused did not bear the medical expenses. Subsequently, the complainant approached the police, alleging that he was coerced and assaulted by police officials to append signatures on blank papers and that money was withdrawn from his pocket without consent. After approaching the Punjab State Schedule Castes and Schedule Tribes Commission, Chandigarh, an inquiry was conducted by the DSP Shahkot, leading to the registration of an FIR against the accused.

Investigation was conducted, witnesses were examined under Section 161 Cr.P.C., and after completion of the investigation, the challan was submitted before the Court of the Illaqa Magistrate.

3. Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 2010 and the petitioner has thus, suffered the agony of protracted trial for about 16 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Trial



Court be reduced to the period already undergone as the petitioner has undergone period of sentence of more than 03 months and no useful purpose would be served by sending him behind bars again after such long period.

As per the custody certificate filed by learned State counsel today in the Court, petitioner has undergone a total sentence of 03 months and 08 days and is not shown to be involved in any other criminal.

4. In the facts and circumstances, this Court does not deem it appropriate to send the petitioner behind bars at this juncture when admittedly he is fastened with many familial responsibilities. It cannot be overlooked that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs. Forgiveness would ensure a better remedy than imprisonment, especially in cases like the one in hand where the accident in question could not be said to have been an intentional act.

Hon'ble Supreme Court in '***Ved Prakash vs. State of Haryana***', 1981(1) SCC 447 has also observed that "*it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant.*" It was further observed by the Apex Court "even if the Bar does not help, the Bench must fulfill the humanizing mission of sentencing implicit in such enactments as the Probation of Offenders Act.



Further, Hon'ble Supreme Court in *Manjappa vs. State of Karnataka, 2007(3) RCR (Crl.) 216* while considering the scope of Section 361 Cr.PC and the provisions of Probation of Offenders Act held that such a relief should be granted where the offence was not of very grave nature and in some cases where *mens rea* was absent as in cases of rash and negligent driving under Section 279 r/w Section 304-A IPC.

Hon'ble Supreme Court in *State through CBI Anti Corruption Branch, Chandigarh vs. Sanjiv Bhalla and another (Crl. Appeal No.1338-1339/2014) decided on 04.07.2014* while referring to *Manjappa's case* (supra) observed that the Court desired to convey that an offence punishable under Section 279/304-A IPC being a result of an accident was, therefore, not a grave as there was an absence of *mens rea*.

5. Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner, his substantive sentence of 10 months is reduced to the period already undergone by him in the present case. However, there is no modification with regard to fine imposed.

With the aforesaid modifications, the instant revision petition is disposed of.

01.04.2026
Rashmi

(SANJAY VASHISTH)
JUDGE

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