

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:073335



212

CRR-1166-2026 (O&M)

Date of Decision: 11.05.2026.

Baldev Shah

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Gurcharan Dass, 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 10.02.2026 passed by learned Additional Sessions Judge, Ludhiana, whereby the appeal filed by the petitioner, challenging the judgment of conviction and order of sentence dated 13.11.2017 passed by learned Chief Judicial Magistrate, Ludhiana, was upheld.

2. Present complaint was filed by Food Safety Officer, Harpreet Kaur, alleging therein that the premises of Mithai Factory, situated at H.No.760 St. No.6, Nanak Nagar, New Sabji Mandi, Ludhiana, owned by accused Baldev Shah, was inspected by the complainant under the supervision of Dr. Abhinash Kumar, DHO O/o Civil Surgeon, Ludhiana at about 11A.M. and accused was found in possession of about 2.5 quintals

pink coloured burfi meant for sale for human consumption. After serving

notice in form No.VI, 2 Kgs of pink coloured barfi was purchased from accused for Rs.200/- by complainant and thereafter, it was divided into four equals parts and put into four clean and dry plastic jars and 40 drops of formalin were added as preservative in each jar and the same were closed and sealed. Spot memo was prepared. One sample along with Memo in form No.VII was sent to public analyst Punjab Chandigarh and remaining samples alongwith copies of Form No.VI, were deposited with Local Health Authority and the same was received by stating that the contents of the sample were unsafe for human consumption. Accordingly, the complaint was filed. Upon trial, vide judgment of conviction and order of sentence dated 13.11.2017 passed by learned Chief Judicial Magistrate, Ludhiana, the petitioner was convicted and sentenced as under:-

Name of accused	Under Section	Imprisonment
Baldev Shah	59(i) of FSSA, 2006	To undergo imprisonment for two months and to pay a fine of Rs.5,000/-, in default of payment of fine, to undergo imprisonment for 10 days.

3. Aggrieved against the same, the petitioner preferred appeal before the learned Additional Sessions Judge, Ludhiana, but the judgment of conviction passed by the trial Court was upheld by the said Court and appeal was dismissed.
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 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 about 15 days out of awarded substantive sentence of two months. Reply has also been filed by learned State counsel and as per which, it has been alleged that CT Baldev son of Bhuneshwar has chronic history of progressive loss of vision since two years approximately, In addition, he is known case of Hypertension, Diabetes and kidney transplant. He had a kidney transplant two years ago. Currently, he is on insulin therapy for diabetes and immuno suppressive therapy for kidney transplant. He is unable to walk independently due to decrease in vision. He has a limited mobility due to his decreased vision and require constant support for day to day activities.

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 dated 10.02.2026 passed by the learned Additional Sessions Judge, Ludhiana and judgment of conviction and order of sentence dated 13.11.2017 passed by learned Chief Judicial Magistrate, Ludhiana are upheld with modification to the extent that the sentence of the petitioner is reduced to the period of sentence already undergone by him. However, the sentence of fine will remain the same.

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.

(SUKHVINDER KAUR)
JUDGE

11.05.2026

Komal

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