

158-1
CRR-3652-2018

-1-

2026 PHHC 037488



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3652-2018
Date of decision: 09.03.2026

DEVENDER @ KALIA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Sr. DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This revision is filed against the judgment dated 17.10.2018 passed by learned Additional Sessions Judge, Narnaul, whereby, the appeal filed by the petitioner, challenging the judgment of conviction dated 26.02.2016 and order of sentence dated 01.04.2016, passed by learned Principal Magistrate, Juvenile Justice Board, Narnaul in case FIR No.37 dated 26.03.2013 under Sections 332, 353, 307, 34 IPC and Sections 25, 54 and 59 of the Arms Act, registered at Police Station Satnali, District Narnaul was upheld.

2. Brief background of the case is that a complaint was registered against the petitioner on the allegations that the petitioner and other co-accused person fired at the police party. Upon trial, vide judgment dated 26.02.2016 and order of sentence dated dated 01.04.2016, passed by learned Principal Magistrate, Juvenile Justice Board, Narnaul,

the petitioner was convicted and sentenced as under:-



Sr No.	Name of convict	Sentence under Section	Sentence awarded	Fine	In default of payment of Fine further sentence
1.	Devender @ Kalia	307 IPC read with Section 34 IPC	03 years	--	--
		332 IPC read with Section 34 IPC	01 year	--	--
		353 IPC read with Section 34 IPC	01 year	--	--
		25 of Arms Act read with Section 34 IPC	03 years	--	--

3. Thereafter, the petitioner filed appeal before the learned Additional Sessions Judge, Narnaul, who vide judgment dated 17.10.2018 upheld the conviction.

4. At the very outset, learned counsel for the petitioner has submitted that he is not assailing the conviction of the petitioner on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of 10 months, 06 days out of actual sentence.

5. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record as such, he 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. In *Deo Narain Mandal v. State of U.P. (2004) 7 SCC 257*, the



Supreme Court (Three-Judge Bench) underscored that sentencing is not a mere formality in criminal proceedings. Where a statute prescribes both minimum and maximum terms, the court must exercise the discretion conferred upon it judiciously—not whimsically or arbitrarily. Factors such as the gravity of the offence, manner of commission, and the accused's age are imperative in determining an appropriate sentence. The sentencing court must operate within the principle of proportionality, ensuring the sentence is neither unduly harsh nor inappropriately lenient.

8. In *Ravada Sasikala v. State of Andhra Pradesh AIR 2017 SC 1166*, the Court reaffirmed that sentencing serves a broader social purpose a deterrent effect that compels the offender to acknowledge the harm caused both to the victim and to society. The Court held that opportunities for reformation must be afforded, and sentencing discretion must be exercised by weighing all attendant circumstances, including the nature and manner of the offence and the conduct of the accused, to strike a balance between legal efficacy and prospects of rehabilitation.

9. A careful review of the conviction rendered by the learned Appellate Court reveals no perversity; the decision is grounded on a sound appreciation of the evidence. Counsel for the petitioner has not challenged the conviction on substantive grounds, limiting his plea solely to a modification of the quantum of sentence to one already undergone.

10. Perusal of record indicates that FIR(supra) was registered in the year 2013. As per the custody certificate, the petitioner have already undergone a period of 10 months, 06 days, out of substantive sentence of



11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by them.

12. Therefore, in view of the discussion above, the present revision is disposed of in the following terms:-

- (i) The judgment dated 17.10.2018 passed by the learned Additional Sessions Judge, Narnaul is upheld.
- (ii) The order of sentence dated 01.04.2016 is modified to the extent that the sentence of imprisonment for 3 years awarded to the petitioner is reduced to the period of sentence already undergone by him.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.03.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |