

**245 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2026 PHHC-066213



CRA-S-1219-SB-2007 (O&M)
Date of Decision: 28.04.2026

TARLOCHAN SINGH AND OTHERS **... APPELLANTS**
VERSUS
STATE OF PUNJAB **... RESPONDENT**

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present- Mr. Kulwinder Singh Dhillon, Advocate for the appellants.

 Mr. Surinderjit Singh Nahar, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. Present appeal has been filed against the judgment of conviction and order of sentence dated 25.05.2007 passed by learned Addl. Sessions Judge, (Fast Track Court), Gurdaspur whereby the appellants were convicted and sentenced to undergo as under:-

I) Iqbal Singh

Charge: Under Sections 307, 326/34 IPC

Sentence: To undergo rigorous imprisonment as under:

(a) To undergo RI for a period of seven years and fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 307 IPC.

(b) To undergo RI for a period of three years and fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for period of one month under Section 326/34 IPC.

Both the sentences were ordered to run concurrently.

II) Tarlochan Singh

Charge: Under Sections 307/34, 326 IPC

Sentence: To undergo rigorous imprisonment as under:

(a) To undergo RI for a period of seven years and fine of Rs.1000/-, in

default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 307/34 IPC.

(b) To undergo RI for a period of three years and fine of Rs.1000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 326 IPC.

Both the sentences were ordered to run concurrently.

2. The case of the prosecution is that on 13.6.1999 complainant Savinder Singh got recorded his statement before the police that he was resident of village Gurdas Nangal and his uncle Chanchal Singh was making Add (Wutt) forcibly in their land and he resisted from the same. At about 9 p.m. he was present in his house and after putting off the clothes for taking bath, he went to shut the the outer gate of his house and outside gate, his uncle Chanchal Singh and Aunt Jasbir Kaur were present and on seeing him, they started giving abuses and the complainant resisted for the same. In the meantime, his wife Gurmeet Kaur and his cousin brother Sewa Singh came there. In the meanwhile accused appellant No.6 - Iqbal Singh, armed with Kirpan and appellant no.1 - Tarlochan Singh, armed with Dattar came there and Jasbir Kaur, mother of the appellants raised Lalkara to catch hold of him and to teach him a lesson for restraining them from making the Add (Wutt) in the field. It has been further alleged by the complainant that when he tried to go inside his house then Chanchal Singh gripped over him and accused Iqbal Singh gave three kirpan blows on him which hit head on his head and forehead. Accused Tarlochan Singh gave seven datar blows on him which hit him on his right arm, right thigh and right shoulder. He fell down on the ground and while he was lying on the ground, Iqbal Singh gave more kirpan blows on him which hit him on the back of neck and on left hand. He also received injuries on the middle and index finger of left hand and this occurrence was witnessed by his

of the complainant an FIR was registered and Iqbal Singh and Tarlochan Singh were convicted whereas Chanchal Singh and his wife Jasbir Kaur were acquitted by the learned Additional Sessions Judge, Gurdaspur.

3. Learned counsel for the appellants contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that during the pendency of the appeal, appellant No.1 - Tarlochan Singh has since expired on 20.01.2011 and appellant No.6 - Iqbal Singh was 43 years of age at the time of the incident and approximately two decades have passed since appellant No.6 - Iqbal Singh is facing the rigors of trial. Iqbal Singh has already undergone custody for a period of 02 years, 11 months and 24 days out of the awarded sentence of seven years. He prays that since the occurrence is of the year 1999, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the appellants and has filed the custody certificates in the Court, which are taken on record. He further submits that the learned trial Court has passed well reasoned judgment based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 1999 and the appellants have already faced the rigors of the trial for more than 26 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like

gravity of the offence, the manner in which the offence is committed, age of the appellants, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicate no perversity in its finding and the same is based on correct appreciation of evidence available on record. However, learned counsel for the appellants has not assailed the judgment, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2007. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellants have already

suffered the agony of protracted trial, spanning over a period of more than 19

years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the appellants deserves to be dealt with leniency. The appellants also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of Haripada Das Vs. State of West Bengal reported in (1998) 9 SCC 678 and Alister Anthony Pereira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of appellant No.6-Iqbal Singh, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon appellant No.6-Iqbal Singh is reduced to the period as already undergone by him.

11. Accordingly, judgment dated 25.05.2007 passed by the learned Addl. Sessions Judge, (Fast Track Court), Gurdaspur is hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 307, 326/34 IPC is hereby modified and reduced to the period of sentence as already undergone by appellant No.6-Iqbal Singh. Appellant No.6-Iqbal Singh is on bail. He need not surrender. His bail bonds are discharged. As appellant No.1 - Tarlochan Singh has since expired, the appeal qua him stands abated.

12. With these modifications, the present appeal is disposed of.

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

28.04.2026

Janki

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No