



CRR-3364-2019 (O&M) and
CRR-1305-2020 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRR-3364-2019 (O&M)

Date of decision:12.01.2026

Balwinder Singh and others

....Petitioners

Versus

State of Punjab

...Respondent

2)

CRR-1305-2020 (O&M)

Tarsem Singh @ Sema

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jatinder Pal Singh, Advocate,
for the petitioners in CRR-3364-2019.

Ms. Gagandeep Kaur, Advocate,
for the petitioner in CRR-1305-2020.

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Both these criminal revisions are taken up and decided together by way of a common judgment.

2. The challenge in these criminal revisions is to the order dated 14.11.2019 passed by learned Addl. Sessions Judge, Moga, partly allowed the appeal preferred against the judgment of conviction and order of sentence dated 30.04.2018 passed by learned Judicial Magistrate Ist Class,

Moga, vide which the petitioners were convicted and sentenced as under:-

Name of petitioners	Offence u/s	Imprisonment	Fine	Default sentence
Avtar Singh	411 IPC	RI for two years	Rs.500/-	SI one month
Tarsem Singh	411 IPC	RI for two years	Rs.500/-	SI one month
Amrik Singh	411 IPC	RI for two years	Rs.500/-	SI one month
Balwinder Singh	411 IPC	RI for two years	Rs.500/-	SI one month

2. Shorn of unnecessary details, the facts are that on 02.08.2014, ASI Gurmail Singh alongwith other police officials in a private vehicle were present at bus stand Ajitwal, where an informer informed to ASI Gurmail Singh that the accused-petitioners Avtar Singh, Sohan Singh (since deceased), Tarsem Singh, Amrik Singh and Balwinder Singh in connivance with each other were in habit of stealing bags of wheat from Marinda Markfed godown, Ajitwal. All the accused except the petitioner Balwinder Singh were security guards of the above said godown and they were storing the stolen wheat bags belonging to Markfed in the shop of Balwinder Singh. The accused persons-petitioners had stolen ten wheat bags from godown and had stored the same in the shop of the petitioner Balwinder Singh and if raid be conducted at shop of the petitioner Balwinder Singh, all the accused persons can be apprehended red handed in possession of said stolen wheat bags. He found the information reliable and prepared ruqa and sent the same through Constable Tarsem Singh to police station on the basis of which

FIR was registered by ASI Pahara Singh. When the police officials were going to village Matwani, then on the way, they saw Tata Ace (Chhota Hathi) (small commercial vehicle) bearing No.PB-10-CC-3293 coming from the side of village Matwani. He stopped the said Chhota Hathi in which all the petitioners were sitting and he checked the said vehicle and recovered ten wheat bags. The petitioners failed to produce any proof of ownership of said bags. He put his seal bearing impression GS on all the bags. Specimen seal was prepared which was handed over to HC Sahib Singh and thereafter he took into possession the said ten bags alongwith Chhota Hathi vide memo. FIR No.78 dated 02.08.2014, under Sections 406, 408, 379 and 411 IPC was registered and the petitioners were arrested.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-petitioners. On finding a prima facie case, charges under Sections 408 and 411 IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 5 witnesses. Thereafter, the statements of the accused under Section 313 Cr.P.C. were recorded. The incriminating evidence was put to them, which they denied, pleading innocence and alleging false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioners as noticed above and the appeal preferred by them was partly allowed by the learned Addl. Sessions Judge, Moga by modifying the order of sentence.

6. Aggrieved petitioners are before this Court.

7. Learned counsel for the petitioners prays for reducing the sentence awarded to them to the period already undergone, it being 2 months and 13 days, on the ground that they belong to the poor strata of the society; sole breadwinners of their families; not involved in any other case; never misused the concession of bail and have been facing the agony of protracted trial for the last 11 years.

8. Learned State counsel opposes on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioners, therefore, prays for the dismissal of both the petitions. He, however, affirms the non-involvement of the petitioners in any other criminal case and the period undergone by them as per the custody certificate.

9. Heard the learned counsel on either side.

10. Evidently, PW3-Sukhjeet Singh, Branch Incharge Markfed Ajitwal in his deposition, had specifically stated that in the year 2013-14 he was posted as Branch Incharge Marked Ajitwal and they had stored wheat crop for the year 2013-14 in the gunny bags bearing logo of their department in English. On 02.08.2014 when he had inspected the said plinth then he found that 10 bags of wheat out of the stock number 10 plinth No.4 were found stolen. He had made entry regarding his inspections in Form W1 on the same date and send the same to the higher official. He had handed over the carbon copy of Form W1 to the police and the same has been taken into police possession vide memo Ex.PW-3/A.

Thereafter, he had come to know that the accused-petitioners were apprehended by the police and the said stolen beat was recovered from them by the police and he had identified the bags of what recovered from the petitioners as the stolen bags of wheat from their said plinth. PW4 ASI Gurmail Singh had also deposed that on 02.08.2014, he alongwith other police officials in a private vehicle were present at bus sand Ajitwal, where an informer informed to him that the accused-petitioners in connivance with each other were in habit of stealing bags of wheat from Marinda Markfed godown, Ajitwal and they were storing the stolen wheat bags belonging to Markfed in the shop of petitioner Balwinder Singh. He alongwith Manager Sukhjeet Singh came to the police station where Manager Sukhjeet Singh identified the recovered wheat bags from godown. On going through the evidence on record, the prosecution has proved the case against the petitioners. Thus, there is no scope for interference in the findings recorded and conclusion arrived at by the Courts below. As such, their conviction is upheld, while reducing the sentence from two years to one year.

11. Regarding the prayer of the learned counsel for the petitioners that in view of the afore-stated mitigating circumstances, the sentence of the petitioners may be reduced to the period already undergone, it is apposite to make a reference to the judgment of this Court in **Balwinder Singh and another vs. State of Punjab**, 2018(3) Law Herald 2315, wherein the appellants were convicted was under Sections 411, 399 and 414 IPC and sentence of 3 years as awarded t them was reduced to the

period undergone by them, it being 3 months and 3 days; 6 months and 15 days; and 3 months and 12 days, observing that they have faced the trial for last 19 years and none of them is either involved or convicted in any other case.

12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilized society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [**Maru Ram v. Union of India**, (1981) 1 SCC 107: 1981 SCC (Cri) 112]".

13. This Court also in **Satnam Singh and another vs. state of U.T.**, CRR-571-2014, decided on 14.05.2025, the sentence awarded to accused, who was convicted under Sections 411 and 473 IPC for RI of 1 year, was reduced to the extent of already undergone, observing that the petitioner had already suffered the sentence for 7 months and 11 days and faced the agony of a trial for 21 years. Similarly, in **Shingara Singh vs. State of Punjab**, CRR-2301-2009, decided on 20.03.2025, the sentence of 3 years awarded under Sections 420 and 411 IPC, was reduced to 1 month and 1 day, it being the period of sentence undergone by the

petitioner therein, with the observations that no other case was pending against him and the occurrence pertains to the year 2003.

14. It is a settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. The object of the criminal justice system is to reform the offenders and to make them see and follow the right path. However, the ancient penological approach was of custodial measure to curb crime. A balanced approach keeping in view the interests of the victim and accused and their families, release on admonition, probation, etc. is the way forward.

16. Reverting to the facts of the present case as regards the prayer made on behalf of the petitioners is concerned, this Court considering the judgments referred to above and the mitigating circumstances, particularly that the petitioners belong to poor strata of the society; have to take care of their families; not previous convict; undergone the substantive sentence, as noted above, suffering the ignominy of trial for the last more than 11 years; after release on bail, have not misused such concession granted to them, finds that the ends of justice would be adequately met if the sentence of the petitioners is ordered to be reduced to the period already undergone by them.

17. Accordingly, while upholding the conviction of the petitioners, their sentence is ordered to be reduced to the period already undergone by them.

18. With the above modification in the order of sentence dated

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30.04.2018 passed by learned Judicial Magistrate 1st Class, Moga, as noted above, the revision petitions are partly allowed.

19. The revision petitions stand disposed of accordingly.

20. A photocopy of this order be placed on the file(s) of the other connected case (s).

12.01.2026
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No