

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:063021



201

CRR-3896-2018 (O&M)

Date of Decision: 24.04.2026.

Asha Rani and another

...Petitioners.

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Jagpal Singh, 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 04.08.2018 passed by learned Additional Sessions Judge, Ludhiana, whereby the appeal filed by the petitioner, challenging the judgment of conviction and order of sentence dated 07.10.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana, in case FIR No.176 dated 20.06.2003, under Sections 406 and 420 IPC, registered at Police Station Division No.1, Ludhiana, was dismissed.

2. Brief facts of this case are that on 21.03.2003, complainants Mehar Singh and Jagraj Singh moved an application before the police alleging therein that the petitioners were doing work of travel agent having

their office at Akal Market, Ludhiana. One Kaka Singh told Avtar Singh (son of the complainant) that petitioner Balwinder Singh was sending people to Dubai, upon which Avtar Singh and Jagraj Singh met the petitioners in their office and on 21.12.1999, they had paid Rs.1,60,000 to the petitioners for sending them to Dubai. After about 10 days, accused Balwinder Singh took Avtar Singh and Jagraj Singh to Bombay for interview and left them with some other travel agent and they kept them at Bombay for about two months, but both the accused neither sent them to Dubai nor they had returned amount taken from them. Accordingly, the present FIR was got registered against the petitioner. Upon trial, vide judgment of conviction and order of sentence dated 07.10.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana, the petitioners were convicted and sentenced to undergo as under:-

Name	Sentence
Balwinder Singh	R.I. for 02 years along with fine of Rs.5,000/- for the offence punishable under Section 420 IPC and in default of payment of fine to further undergo R.I for one month.
Asha Rani	R.I. for 02 years along with fine of Rs.5,000/- for the offence punishable under Section 420 IPC and in default of payment of fine to further undergo R.I for one month.

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 petitioners has submitted that the judgment of conviction of the petitioners is not being

assailed on merit 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/ petitioners has not challenged the judgment of conviction on merits, as such the said issues are not being gone into at this stage and the prayer is 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 petitioners has not challenged the conviction on substantive grounds 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 dated 23.04.2026 of the petitioner, as per which petitioner No.2, namely, Balwinder Singh, has already undergone custody of 01 year, 03 months and 16 days including remission out of awarded substantive sentence of two years.

12. Learned counsel for the State has produced on record the custody certificate dated 23.04.2026 of the petitioner, as per which petitioner, namely, Asha Rani has already completed her sentence on 17.05.2020. As such, the present revision petition qua petitioner Asha Rani, has been rendered infructuous.

Ordered accordingly.

13. Taking into consideration the facts noticed above that petitioner

Balwinder Singh 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 04.08.2018 passed by the learned Additional Sessions Judge, Ludhiana and judgment of conviction and order of sentence dated 07.10.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana are upheld with modification to the extent that the sentence of petitioner No.2 is reduced to the period of sentence already undergone by him.

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

24.04.2026.

Komal

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