

103

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

**CRA-S-1341-SB-2004 (O&M)**

**Date of decision: 10.03.2025**

**Raj Kumar**

**... Appellant**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

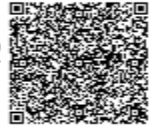
Present: Mr. Rajiv Joshi, Advocate (legal aid counsel)  
for the appellant.

Mr. Subhash Godara, Addl. A.G., Punjab.

\*\*\*\*\*

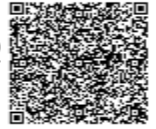
**HARPREET SINGH BRAR, J. (ORAL)**

1. Instant appeal has been preferred against the judgment of conviction dated 02.07.2004 and the order on quantum of sentence of even date passed by learned Additional Sessions Judge (Adhoc), Patiala, in FIR No.131 dated 28.04.2001 under Section 306 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Rajpura, District Patiala, vide which the appellant was convicted under Section 306 of IPC and was sentenced to undergo rigorous imprisonment for a period of three and half years and to pay a fine of Rs.2,000/- along with default mechanism.



2. Brief facts of the case, as alleged, are that on 28.04.2001, complainant Madan Puri made a statement before the police with the allegations that marriage of his sister was solemnized with the appellant about 20 years ago and from this wedlock, two sons and one daughter were born, however, the daughter died. After some time of her marriage, she was harassed and was given beatings by the appellant, his father Sobh Raj and brother-in-law of father of the appellant, namely Gobind Ram, due to which, she came to her parental home in Mani Majra about one and half year prior to the alleged incident and about 06 months ago, all the accused brought his sister to her matrimonial home. The complainant visited the matrimonial home of his sister at Rajpura twice and she disclosed about the ill-treatment given to her by the accused. On 28.04.2001, the complainant handed over certain domestic articles to his neighbour Ram Singh for giving the same to his sister, who was going to Rajpura and on his return, said Ram Singh disclosed that all the aforementioned accused persons were beating her. At about 02.15 p.m., on receiving the information that his sister had expired and her father-in-law was likely to cremate her dead body, the complainant along with his brothers reached matrimonial home of his sister and he found that her dead body was hanging with the fan. With these allegations, FIR (*supra*) was registered.

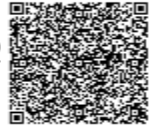
3. Vide judgement of conviction and the order on quantum of sentence dated 02.07.2004 passed by learned Additional Sessions Judge



(Adhoc), Patiala under Section 306 of IPC, the appellant was convicted and sentenced to undergo rigorous imprisonment for a period of 03 years and 06 months and to pay a fine of Rs.2,000/- along with default mechanism.

4. Learned counsel for the appellant, *inter alia*, contends that if the entire allegations against the appellant are presumed to be correct, still there is no material available on record to make him liable for abetment, as provided under Section 107 of IPC (*now Section 45 of the Bharatiya Nyaya Sanhita, 2023*). There is nothing on record to remotely suggest that the appellant has aided or abetted or has done anything, which has close proximity with the suicide committed by the deceased. Learned Court below convicted the appellant on weak, insufficient, unreliable and contradictory evidence produced by the prosecution. It is further contended that the marriage between the appellant and his wife was performed more than 20 years ago from the date of alleged incident and the prosecution even tried to rope in father of the appellant, namely Sobh Raj and his paternal uncle Gobind Ram and they would found innocent during the investigation. The allegations against the appellant, his father Sobh Raj and his paternal uncle Gobind Ram are identical.

5. Learned counsel for the appellant restricts his prayer and submits that he is not assailing the impugned judgment of conviction dated 02.07.2004 on merits and prays to modify the order on quantum of sentence to the extent that the sentence of 03 years and 06 months R.I. awarded by learned trial Court

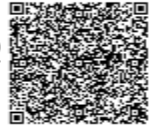


may be reduced to the period already undergone by the appellant, as he has already undergone a period of 04 months and 21 days in the instant case and is not involved in any other case.

5. *Per contra*, learned State counsel opposes the prayer made by the appellant, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency. Learned State counsel has produced the custody certificated dated 09.03.2025 of the appellant in the Court today, which is taken on record, according to which, the appellant has undergone a period of 04 months and 21 days and is having clean antecedents.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant was convicted for abetting the deceased to commit suicide, attracting the offence of Section 306 of IPC, for which no minimum punishment has been prescribed. As per his custody certificate, the appellant has already undergone an actual sentence of 04 months and 21 days in the instant case and is not involved in any other case/FIR. Since there is no minimum punishment prescribed under Section 306 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

7. In *Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257*, a



three-Judge Bench of the Hon'ble Supreme Court has opined 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 accused, 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 two Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has reiterated 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 the 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 indicates no perversity in



its findings and the same is based on correct appreciation of evidence available on record. Moreover, learned counsel for the appellant has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of order on quantum of sentence.

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

11. Consequently, the present appeal is disposed of and the judgment of conviction dated 02.07.2004 passed by learned Additional Sessions Judge (Adhoc), Patiala is upheld, however, the order on quantum of sentence of even date qua sentence and imposition of fine amount of Rs.2,000/- upon the appellant, is modified to the extent that the sentence of rigorous imprisonment for a period of 03 years and 06 months along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

12. High Court Legal Services Committe is directed to pay remuneration to the Legal Aid Counsel, as per Rules.

10.03.2025  
*vishnu*

**[ HARPREET SINGH BRAR ]  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No