



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

295

CRR-2593-2024 (O&M)
Date of decision:22.04.2025

Kewal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 21.11.2024 passed by the learned Additional Sessions Judge, Bathinda, vide which judgment of conviction and order on quantum of sentence dated 07.05.2018 passed by the learned Additional Chief Judicial Magistrate, Bathinda, in FIR No.61 dated 24.04.2012 registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Canal Colony, District Bathinda, have been upheld.

2. The petitioner was convicted under Sections 420, 465, 467, 468, 471 IPC by the learned trial Court vide judgment of conviction dated 07.05.2018 and was sentenced as mentioned below:

| Offence | Sentence |
|-----------------|---|
| Section 420 IPC | Rigorous imprisonment for a period of 03 years along with fine of Rs.1000/- and in default of payment of fine, to |



| | |
|-----------------|--|
| | further undergo simple imprisonment for a period of 03 months. |
| Section 465 IPC | Rigorous imprisonment for a period of 02 years along with fine of Rs.1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 03 months. |
| Section 467 IPC | Rigorous imprisonment for a period of 03 years along with fine of Rs.1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 03 months. |
| Section 468 IPC | Rigorous imprisonment for a period of 03 years along with fine of Rs.1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 03 months. |
| Section 471 IPC | Rigorous imprisonment for a period of 03 years along with fine of Rs.1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 03 months. |

3. It has been ordered that all the sentences shall run concurrently.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 21.11.2024 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 05 months and is not involved in any other criminal activity.

5. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available



on record, which has also been upheld by the learned Lower Appellate Court and as such, the petitioner does not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted under Sections 420, 465, 467, 468, 471 IPC IPC, for which no minimum punishment has been prescribed. As per the custody certificate, the petitioner is not involved in any other case and has already undergone an actual sentence of 05 months out of total sentence of 03 years, in the instant case. Since there is no minimum punishment prescribed under Sections 420, 465, 467, 468, 471 IPC, 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 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 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 Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence already undergone by the petitioner.

10. The FIR in the present case was registered on 24.04.2012 and the petitioner has been suffering the agony of trial since the last 13 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.



11. Consequently, the present revision petition is disposed of in the following terms:-

- (i) *The judgment of conviction dated 07.05.2018 passed by the learned Additional Chief Judicial Magistrate, Bathinda, which has been affirmed by learned Additional Sessions Judge, Bathinda vide judgment dated 21.11.2024, is upheld.*
- (ii) *The order of sentence dated 07.05.2018 is modified to the extent that the sentence of rigorous imprisonment for a period of 03 years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.*

12. All the pending miscellaneous application(s), if any, shall also stand disposed of.

13. The petitioner be released forthwith, if not required in any other case.

(HARPREET SINGH BRAR)
JUDGE

22.04.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No