



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

CRR-496-2014

Date of decision: 05.05.2025

TARSEM SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhanu Pratap Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 23.01.2014 passed by learned Sessions Judge, Hoshiarpur, vide which, judgment of conviction dated 16.01.2013 passed by learned Judicial Magistrate Ist Class, Hoshiarpur has been upheld, however, order on quantum of sentence dated 16.01.2013 was modified, in case stemming from FIR No.09 dated 23.01.2008 registered under Sections 323/324/326 read with Section 34 of IPC at Police Station Hariana and the petitioners were sentenced by learned Appellate Court as under :

Name of the petitioner(s)	Offence under Section(s)	Sentence
Tarsem Singh	324 IPC	RI for one and half years.
	326 IPC	RI for one and half years along with a fine of Rs.2,000/-, in default of payment of fine, to further undergo RI for two months.



	323 read with Section 34 IPC	RI for six months.
Hardev Kaur	324 read with Section 34 IPC	RI for one and half years.
	326 read with Section 34 IPC	RI for one and half years along with a fine of Rs.2,000/-, in default of payment of fine, to further undergo RI for two months.
	323 of IPC	RI for six months.

It was ordered that all the sentences shall run concurrently.

2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 23.01.2014 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. As per the custody certificates, petitioners have undergone actual period of 02 months and 18 days, out of total sentence of one and half years, awarded by learned lower Appellate Court and are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioners as 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, they do not deserve any leniency.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In ***Deo Narain Mandal v. 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, 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.

6. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. 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.

7. 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. It transpires that the petitioner was convicted under Sections 324/326/323/34 of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.



8. The FIR in the present case was lodged on 23.01.2008 and the petitioners have been suffering the agony of trial for the last more than 17 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificate, the petitioners have undergone a period of 02 months and 28 days, including remission out of total sentence of one and half years, awarded by learned trial Court and are not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 323/324/326 read with Section 34 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners, namely Tarsem Singh and Hardev Kaur is reduced to the period already undergone by him.

10. Consequently, the present petition is disposed of and the judgment dated 23.01.2014 passed by the learned Additional Sessions Judge, Hoshiarpur affirming the judgment of conviction is upheld, however, the order of sentence dated 23.01.2014 is modified to the extent that the sentence of rigorous imprisonment for three years and a fine of Rs.2,000/- along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

May 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |