



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

CRR-2989-2017

Date of decision: 07.05.2025

Rai Singh and others ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Bairagi, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 27.07.2017 passed by the learned Additional Sessions Judge, Sirsa, vide which the appeals against judgment of conviction dated 01.02.2014 and order of sentence dated 03.02.2014 passed by the learned Judicial Magistrate 1st Class, Sirsa, in FIR No.327 dated 08.05.2008 registered under Sections 325/323/506/34 of IPC, registered at Police Station City Sirsa, have been dismissed.

2. The petitioners were convicted and sentenced as mentioned below:

Offence	Sentence
Section 148 of IPC	Rigorous imprisonment for a period of 01 year each and to pay fine of Rs.500/- each.
Sections 323/149 of IPC	Rigorous imprisonment for a period of 06 months each and to pay fine of Rs.500/- each.
Sections 325/149 of IPC	Rigorous imprisonment for a period of 03 years each and to pay fine of Rs.500/- each.
Sections 506/149 of IPC	Rigorous imprisonment for a period of 01 year each.

However, in default of payment of fine, further simple imprisonment of two months was ordered.

All the sentences were ordered to run concurrently.

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3. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 01.02.2014. Aggrieved by the same, the petitioners preferred an appeal before the learned lower Appellate Court which has been dismissed vide judgment dated 27.07.2017.

4. Learned counsel for the petitioner *inter alia* contends that the learned Court below has fallen into grave error in convicting the petitioners, as their guilt has not been proved beyond reasonable doubt and there was no independent corroboration of the testimonies of various witnesses. Further, there is delay of three days in the registration of the FIR (*supra*). The motive for causing injuries to the injured by the petitioners has not been proved by the prosecution which creates serious doubt on the case in hand. There are serious infirmities and material contradictions in the evidence of the prosecution witnesses. Further, he is not assailing the impugned judgment of conviction 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 petitioner No.1 undergone 05 months and 07 days, petitioner No.2 undergone 04 months and 03 days, petitioner No.3 undergone 05 months and 16 days and petitioner No.4 undergone 05 months and 09 days in custody. He further submits that accused/petitioners No.1, 3 & 4 are involved in other case, however, they are on bail in the said cases.

5. *Per contra*, learned State counsel opposes the prayer of the petitioner as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record. He further submits that the petitioners No.1, 3 & 4 are involved in other cases as well and

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as such, they do not deserve any leniency. However, he could not controvert the fact that the petitioners No.1, 3 & 4 are on bail in those cases.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Sections 323/325/506/148/149 of IPC for which no minimum punishment has been prescribed. As per their custody certificate, petitioner No.1 undergone 05 months and 07 days, petitioner No.2 undergone 04 months and 03 days, petitioner No.3 undergone 05 months and 16 days and petitioner No.4 undergone 05 months and 09 days in custody out of total sentence of 03 years, in the instant case. Since there is no minimum punishment prescribed under Sections 323/325/506/148/149 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

7. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, 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.

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8. Further, 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 passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 08.05.2008 and the petitioners have been suffering the agony of trial for about 17 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

10. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 27.07.2017 passed by the learned Additional Sessions Judge, Sirsa, is upheld and sentence of 03 years and fine awarded by the learned trial Court is reduced to the period of sentence already undergone by the petitioners.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.05.2025*Neha*

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