



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

**CRR-1113-2025 (O & M)
Date of decision: 30.04.2025**

PAWNA @ PARAMJIT SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarabjit Singh, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 11.04.2025 passed by learned Additional Sessions Judge, Patiala, vide which, judgment of conviction dated 15.10.2022 and order on quantum of sentence dated 15.10.2022 passed by learned Judicial Magistrate Ist Class, Rajpura, have been upheld, in case stemming from a complaint filed under Sections 323/324/341/506/34 of IPC at Police Station Banur and the petitioners were sentenced as under :

Petitioner's name	Offence under Section(s)	Sentence
Pawna @ Paramjit Singh	323/34 IPC	RI for 06 months.
	506 IPC	RI for 06 months.
Gurjant Singh	323/34 IPC	RI for 06 months.
	506 IPC	RI for 06 months.
Sanju Singh	323/34 IPC	RI for 06 months.
	506 IPC	RI for 06 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 11.04.2025 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 custody certificates, petitioners have undergone a period of 19 days, out of total sentence of 06 months each, awarded by learned trial Court and petitioner Nos.1 and 3 are not involved in any other case.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State and Mr. Arjun Kapur, Advocate has put in appearance on behalf of respondent No.2 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place.

5. *Per contra*, learned State counsel assisted by learned counsel for respondent No.2 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. Moreover, petitioner No.2 is involved in one more case.

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

7. 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.

8. 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.

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. It transpires that the petitioners were convicted under Sections 323/34/506 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.

10. The complaint in the present case was lodged on 03.11.2014 and the petitioners have been suffering the agony of trial for the last more than 10



years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per custody certificates, petitioners have undergone a period of 19 days, out of total sentence of 06 months each, awarded by learned trial Court and petitioner Nos.1 and 3 are not involved in any other case.

11. Since there is no minimum punishment prescribed under Sections 323/34/506 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.

12. Consequently, the present petition is disposed of and the judgment dated 11.04.2025 passed by the learned Additional Sessions Judge, Patiala affirming the judgment of conviction is upheld, however, the order of sentence dated 15.10.2022 is modified to the extent that the sentence of rigorous imprisonment for 06 months each awarded to the petitioners is reduced to the period of sentence already undergone by them.

13. The jail authorities are directed to release the petitioners forthwith, if they are not required in any other case.

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

April 30, 2025
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(HARPREET SINGH BRAR)
JUDGE

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