



**302-2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRR-507-2007**

**Date of decision: 05.03.2025**

**JASWINDER PAL KAUR**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

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

Present: Mr. R.S. Girdhar, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Tushaar Madaan, Advocate and  
Ms. Amandeep Kaur, Advocate and  
Mr. Dildevinder Singh, Advocate  
for respondent Nos.2 and 3.

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

1. Present revision petition is preferred against the judgment of conviction and order of sentence dated 18.10.2006 passed by learned Additional Sessions Judge (A), Fast Track Court, Muktsar in case stemming from FIR No.258 dated 10.10.2003 registered under Sections 498-A/307/406/506/120-B of IPC at Police Station Sadar, Muktsar, whereby respondent Nos.2 and 3 have been acquitted of offences under Sections 307/498-A IPC and have been convicted under Section 406 IPC and awarded RI for 01 year with a fine of Rs.1,000/- along with default mechanism.
2. Respondent No.3, namely, Kashmir Kaur has passed away during the pendency of present petition, therefore proceedings qua her stand abated.
3. Succinctly, the prosecution version is that on 05.10.2003, complainant Jaswinder Pal Kaur (petitioner herein) moved an application to



SSP, Muktsar to the effect that her marriage was solemnized with Sukhwinder Singh by way of performing Anand Karaj ceremony at village Marar Kalan on 23.11.1988. At the time of marriage, her parents had given her sufficient dowry articles, jewelry, furniture, car etc. which were handed over to the accused by her parents in presence of her brother Gubinder Singh, uncle Dyal Singh, Sarpanch Sukhdarshan Singh, Hardit Singh a member of *Panchayat* and other relatives. The said articles were given to the complainant as '*Istri-Dhan*', which were to be used by her. After marriage, the complainant was brought to village Dippan Wali. Unfortunately, no child was born out of this wedlock. Her in-laws used to harass and humiliate her on account of bringing lesser dowry and asked her to bring cash, car etc. Further, the accused persons namely Sukhwinder Singh (respondent No.2 herein), Kashmir Kaur (respondent No.3, since died), Ninderjit Kaur and Balwinderjit Kaur had conspired with each other to contract second marriage of her husband Sukhwinder Singh and also tried to kill her. Hence, the FIR (*supra*) was registered.

4. After assessing the material available on record, the learned trial Court convicted and sentenced respondent Nos.2 and 3 vide judgment of conviction and order of sentence dated 18.10.2006 for commission of offence under Section 406 IPC. Aggrieved by the same, the petitioner preferred the present petition.

5. Learned counsel for the petitioner *inter alia* contends that the learned Court below fell into error by acquitting respondent No.2/accused of charges under Sections 307/498-A. Further, meagre sentence of one year has been awarded to respondent No.2, which is based on untenable grounds. The



charges against him stand duly proven by all the prosecution witnesses. As such, the learned Court below ought not to have acquitted the accused under Sections 307/498-A IPC and awarded meagre sentence to him.

6. *Per contra*, learned counsel for respondent No.2 assisted by learned State counsel submits that the Court below has rightly acquitted the accused under Sections 307/498-A IPC on the basis of proper appreciation of material available on record.

7. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the accused/respondent No.2 has maintained good conduct and does not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in *Nasri v. State of Haryana 2023(2) Law Herald 2203*, speaking through Justice Arun Monga, made the following observations:

*“11.2. Objectives and principles of criminal law as envisioned in the provision ibid, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the*



*mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”*

8. 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. 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. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Court below, which warrant interference. Hence, the instant revision petition stands dismissed.

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

**March 05, 2025**  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**

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