



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

201

**CRR-502-2014 (O&M)
Date of decision: 03.05.2025**

Pappu @ Sukhwinder Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gurpreet Kaur, Advocate (*Amicus Curiae*)
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 16.01.2014 passed by the learned Additional Sessions Judge, Amritsar, vide which judgment of conviction and order on quantum of sentence dated 17.01.2012 passed by the learned Judicial Magistrate Ist Class, Ajnala, in FIR No.198 dated 02.07.2003 registered under Sections 326/324/323/34 IPC at Police Station Lopoke, has been partly allowed and the petitioners have been acquitted of the charge framed against them under Sections 326 and 326/34 IPC, however, the judgment of conviction and order of sentence qua the offence under Sections 324, 324/34 and 323/34 IPC, is upheld against the petitioners.

2. The sentence of the petitioners has been modified by learned Additional Sessions Judge, Amritsar as follows:



Offence	Sentence
Section 324 of IPC	Rigorous imprisonment for a period of 01 year each.
Section 324/34 of IPC	Rigorous imprisonment for a period of 01 year each.
Section 323/34 of IPC	Rigorous imprisonment for a period of 06 months each.

All the sentences are ordered to run concurrently.

3. Learned *amicus curiae*, *inter alia*, contends that there is a delay of 02 days in registration of the FIR, which creates a serious dent on the case set up by the prosecution. Further the Radiologist, who conducted the X-ray of the injured has not been examined. Dr. Sheilekh Mittal, while deposing as PW-4 has totally contradicted the number of injuries mentioned in the MLR. Further Ranjit Singh, who is the eye-witness while deposing as PW-2 has not corroborated the case set up by the complainant and he has stated that he arrived at the spot after the petitioners have already fled away. Further the motive as set up by the prosecution has not been proved at all. Lastly, she submits that petitioner No.1 Pappu @ Sukhwinder Singh has undergone a period of 04 months and 24 days, petitioner No.2 – Jassa @ Dilbagh Singh has undergone a period of 07 months and 24 days and petitioner No.3 – Teju @ Navtej Singh has undergone a period of 02 months and 15 days, including remission of 04 days and petitioners No.1 and 3 are not involved in any other criminal activity whereas petitioner No.2 is involved in one more case, however, he is on bail in that case.

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

5. 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 324, 324/34 and 323/34 IPC, for which no minimum punishment has been prescribed. As per the custody certificates, petitioners No.1 and 3 are not involved in any other case and petitioner No.1, Pappu @ Sukhwinder Singh, has already undergone 4 months and 24 days; petitioner No.2, Jassa @ Dilbagh Singh, 7 months and 24 days; and petitioner No.3, Teju @ Navtej Singh, 2 months and 15 days, including 4 days remission out of total sentence of 01 year each, in the instant case. Since there is no minimum punishment prescribed under Sections 324, 324/34 and 323/34 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.

6. 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.

7. 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.

8. 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. However, the FIR (supra) was registered on 02.07.2003 and the petitioners are suffering the agony of trial for the last more than 21 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desire to live a peaceful life.



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

- (i) The judgment dated 16.01.2014 passed by the learned Additional Sessions Judge, Amritsar, affirming the judgment of conviction under Sections 324, 324/34 and 323/34 IPC is upheld.***
- (ii) The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year each awarded to the petitioners is reduced to the period of sentence already undergone by them.***

10. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

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

**(HARPREET SINGH BRAR)
JUDGE**

03.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No