



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

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CRR No.1109 of 2010 (O&M)

Date of decision: 18.03.2025

Amarjit Singh @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sumit Kalyan, Advocate
for Mr. Bhanu Partap Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 23.02.2010 passed by the learned Additional Sessions Judge, Jalandhar, vide which judgment of conviction and order on quantum of sentence dated 17.01.2008 passed by the learned Judicial Magistrate Ist Class, Phillaur, in FIR No.20 dated 10.04.2003 registered under Section 61/1/14 of Punjab Excise Act at Police Station Nurmahal, have been upheld.

2. The petitioner was convicted and sentenced under Section 61/1/14 of Punjab Excise Act and was ordered to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.5,000/- along with default mechanism.



3. Brief facts of the case are that on 10.04.2003, a police party headed by ASI Jagan Nath were on patrolling duty at Talwan Chowk, Nurmahal, when they received a secret information that Amarjit Singh @ Billa is distilling illicit liquor on working still and if a raid is conducted, he can be apprehended. On the basis of the said information, a formal FIR was registered and thereafter, a raid was conducted and Amarjit Singh @ Billa was apprehended.

4. Thereafter, the petitioner was convicted and sentenced vide judgement of conviction and order of sentence dated 17.01.2008 by the learned trial Court, which have also been upheld by learned Lower Appellate Court vide judgment dated 23.02.2010.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 23.02.2010 on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of 03 months and 09 days and he is not involved in any other criminal activity.

6. *Per contra*, learned State counsel opposes the prayer of the petitioner 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 appellant does not deserve any leniency.

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



8. 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.

9. 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.



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. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

10. The FIR in the present case was lodged on 10.04.2003 and the petitioner has been suffering the agony of trial since the last about 22 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per the custody certificate dated 18.03.2025, the petitioner is not involved in any other case and has undergone total sentence of 03 months and 09 days, out of total sentence of 01 year in the instant case.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

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

(i) The judgment dated 23.02.2010 passed by the learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction dated 17.01.2008 is upheld, however, the order of sentence of even date, is modified to the extent that the sentence of rigorous imprisonment for 01 year and fine of Rs.5,000/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

(HARPREET SINGH BRAR)
JUDGE

18.03.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No