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

CRR-1863-2012 (O&amp;M)

Date of Decision: 14.07.2025

BACHAN SINGH AND ANOTHER

...PETITIONERS

Versus

PUNJAB URBAN PLANNING AND DEVELOPMENT AUTHORITY

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gulzar Mohd., Advocate  
for the petitioners.

Mr. Ashish Grover, Advocate  
for the respondent.

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**Harpreet Singh Brar, J. (Oral)**

1. The prayer in the present revision petition is to set aside the judgment dated 18.04.2012 passed by learned Additional Sessions Judge, Jalandhar vide which judgment of conviction and order on quantum of sentence dated 04.02.2011 passed by learned Judicial Magistrate Ist Class, Jalandhar have been upheld wherein the petitioners have been convicted under Sections 3, 5, 9, 14(2), 15, 18, 21 of Pujab Apartment and Property Regulation Act, 1955 (for short 'the Act') in the case stemming from complaint filed under Section 36 read with Sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of Act.

2. The petitioners were sentenced for converting agricultural land into residential/commercial one without complying with the provisions contained under Sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of the Act, as mentioned below:

<b>Offence under Section</b>	<b>Sentence</b>	<b>Fine</b>	<b>Sentence in default of payment of fine</b>
3 of the Act	Rigorous imprisonment for one and half years each	Rs. 250/- each	Further rigorous imprisonment for 10 days each
5 of the Act	Rigorous imprisonment for 01 year each	Rs. 250/- each	Further rigorous imprisonment for 10

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			days each
9 of the Act	Rigorous imprisonment for one and half years	Rs. 250/- each	Further rigorous imprisonment for 10 days each
14(2) of the Act	Rigorous imprisonment for 01 year each	Rs. 250/- each	Further rigorous imprisonment for 10 days each
15 of the Act	Rigorous imprisonment for 01 year each	Rs. 250/- each	Further rigorous imprisonment for 10 days each
18 of the Act	Rigorous imprisonment for 01 year each	Rs. 250/- each	Further rigorous imprisonment for 10 days each
21 of the Act	Rigorous imprisonment for 01 year each	Rs. 250/- each	Further rigorous imprisonment for 10 days each
All the sentences were ordered to run concurrently			

3. Learned Counsel for the petitioners submits that during the pendency of present petition, unfortunately petitioner No. 2-Avtar Singh has passed away in the month of July 2024. Thus, the proceedings against petitioner No. 2 shall stand abated. However, he further submits that he is not assailing the impugned judgment of conviction dated 18.04.2012 passed by learned Additional Sessions Judge, Jalandhar on merits qua petitioner No. 1-Bachan Singh and restricts his prayer to modification of the order on quantum of sentence dated 04.02.2011 passed by learned Judicial Magistrate Ist Class, Jalandhar to that of sentence already undergone by the petitioner No. 1 as he has already undergone actual sentence of 04 months as per the order dated 07.08.2012, vide which his sentence was suspended, out of total sentence of 01 year 06 months imposed upon him.

4. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned lower Appellate Court has passed a well-

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reasoned judgment based on correct appreciation of evidence available on record and as such, the petitioner No. 1 does 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 for converting agricultural land into residential/commercial one without complying with the provisions contained under Sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of the Act, for which no minimum punishment has been prescribed. As per the order dated 07.08.2012 passed by a Co-ordinate Bench of this Court, petitioner No. 1 has already undergone a period of 04 months out of total sentence of 01 year 06 months imposed upon him. Moreover, learned counsel for the petitioner No.1 has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 3, 5, 8, 9, 14(2), 15, 18 and 21 of the Act, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner No. 1 is reduced to the period already undergone by him.

6. 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

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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 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.

8. A perusal of the judgment of conviction passed by the learned lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. However, the complaint(supra) was filed on 28.05.2001 and the petitioner No. 1 has been suffering the agony of trial for last more than 24 years. Since his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

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

(i) The judgment dated 18.04.2012 passed by learned Additional Sessions Judge, Jalandhar is upheld qua petitioner No. 1-Bachan Singh.

(ii) The order of sentence dated 04.02.2011 passed by learned Judicial Magistrate Ist Class, Jalandhar is modified to the extent that the sentence of rigorous imprisonment for 01 year 06



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months along with total fine of Rs. 1,750/- with default mechanism awarded to the petitioner No. 1 is reduced to the period of sentence already undergone by him.

10. Since petitioner No. 2 has died and he has already deposited the fine amount with the learned trial Court, the present petition stands disposed of being abated qua petitioner No. 2-Avtar Singh.

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

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

**14.07.2025**

*Ajay Goswami*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*