



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

**110-B****CRR-731-2016 (O&M)**Date of decision: **09.09.2025**

Harmeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present:- Mr. K.K. Saini, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Ms. Shazia K. Singh, Advocate for respondent No.2.

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**KIRTI SINGH, J. (Oral)**

Challenge in the present revision petition has been preferred against the judgment dated 20.01.2016 passed by the learned Additional Sessions Judge, Gurdaspur, which upheld the judgment of conviction and order of sentence, passed by the learned JMIC Batala, dated 24.05.2014 qua the petitioner, whereby he was convicted and sentenced to undergo imprisonment along with fine as under:-

Sentence under Section	Sentenced to RI	Fine	In default of payment of fine
498-A IPC	RI for 1 year	Rs.1,000/-	RI for 01 month

**Factual Matrix**

2. Shorn of details, the facts as can be culled out from the complaint are that the marriage of the petitioner was solemnized with respondent No.2-complainant on 25.11.2001. A huge amount was spent on the same by her family and many valuables, including, gold jewellery



and household articles, were given to the accused. However, after some time of marriage, the respondents, i.e., the husband and in-laws of the complainant, started harassing her for bringing insufficient dowry and started pressuring her to bring more dowry and when she expressed her helplessness, all the accused assaulted her and gave beating and further a demand of Rs.50,000/-was raised. The complainant was turned away from her matrimonial home, however, later in the presence of respectable family members the accused undertook not to maltreat the complainant, despite which on 20.08.2006 the complainant was given beatings and a further demand of Rs.2 lacs was raised. Upon these allegations, a complaint was moved by the father of the complainant against the petitioner. Challan was presented in the case and after conclusion of trial, the petitioner was convicted under Section 498-A IPC and sentenced to undergo rigorous imprisonment for a period of one year. Aggrieved by the same the petitioner filed an appeal before the learned Additional Sessions Judge, Gurdaspur, which was dismissed vide order dated 20.01.2016. Hence the present revision petition.

**Submissions made by learned counsel for the parties**

3. Learned counsel for the petitioner submits that the complaint has been lodged after an unexplained delay and vague and general allegations were levelled against the petitioner and his family members. There are various discrepancies in the statements of complainant witnesses. Further, the witnesses produced by the complainant were interested witnesses and their evidence was supposed to be ignored by the learned Trial Court. Moreover, medical evidence was produced by the complainant to corroborate the allegations levelled by her. Thus, learned



Trial Court has erred by convicting the petitioner. As a parting argument, the counsel has urged that in the event of the case not succeeding on merit, the Court may take a lenient view, and consider reducing the sentence of the petitioner to the period already undergone by him, it being 06 months and 15 days including remission out of the total sentence of one year. Reliance has been placed upon the judgments of Hon'ble Supreme Court passed in '*Samaul SK vs. State of Jharkhand and Another*' (2023) 18 SCC 542; '*M. Venkateswaran vs. State*', (2025) 3 SCC 578 and '*S. Mahaboob Basha vs. State of Karnataka*', criminal Appeal No.2115 of 2014, decided on 23.09.2014 wherein under similar circumstances, the Apex Court, by taking a humanitarian view, reduced the sentence of the accused/appellants to the period already undergone by them.

4. Per contra, the learned State counsel as also learned for respondent No.2 have submitted that the judgments of learned Trial Court as well as the learned Additional Sessions Court are well reasoned and based upon the correct appreciation of facts. The testimony of the complainant CW-1 was duly corroborated by the testimony of CW-2-father of the complainant. It is therefore submitted that the petitioner was rightly convicted and sentenced to undergo a period of rigorous imprisonment of one year, in view of the offences committed by him.

#### **Analysis & conclusion**

5. I have heard learned counsel for the parties and perused the entire material available on record including the judgment of the trial Court and First Appellate Court.



6. Upon perusal of the record, it is evident that the complainant was subjected to physical cruelty by the petitioner. This allegation was duly corroborated in the testimony of CW-2, as also the admission made in the compromise deeds, Ex.C1 and C-2, wherein the petitioner had acknowledged treating his wife poorly, and had undertaken to mend his ways. Accordingly, this Court does not find any infirmity in the judgment passed by the learned appellate Court whereby the conviction of the petitioner was sustained, and the same is upheld.

7. Further, before considering the submissions of the learned counsel for the petitioner on the issue on quantum of sentence, it would be apposite to refer to the observations made in the judgment of Hon'ble the Apex Court in *Mohd. Giasuddin Vs. State of AP, AIR 1977 SC 1926*, wherein while affirming the conviction but reducing the period of sentence, it was expressed that:

"Crime is a pathological aberration. The criminal can ordinarily be redeemed and the state has to rehabilitate rather than avenge. The sub-culture that leads to antisocial behaviour has to be countered not by undue cruelty but by re-culturization. Therefore, the focus of interest in penology in the individual and the goal is salvaging him for the society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today vies sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of a social defence. Hence a therapeutic, rather than an 'in terrorem' outlook should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind....."



8. In the case of **Satish @ Sabbe v. State of Uttar Pradesh, (Special Leave Petition (Crl.) No. 7369 of 2019, decided on 30.09.2020:** The Hon'ble Supreme Court, speaking through His Lordship Surya Kant, J., observed thus:-

*“13. Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free-roaming criminals creating havoc in the lives of ordinary peace-loving citizens. But equally strong is the foundation of reformative theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first-time offenders ought to be liberally accorded a chance to repent their past and look-forward to a bright future.” (emphasis added)*

9. The sentence of the petitioner was suspended vide order dated 11.07.2016. The custody certificate dated 09.09.2025 of the petitioner shows that he had undergone a total sentence including remission for a period of 06 months and 15 days out of a total sentence of one year. The State has not shown any other criminal record of the petitioner during the subsequent period. He has not misused the concession of bail granted to him, showcasing that the petitioner has integrated into the mainstream society, which is the aim of the reformative school of justice, on which the foundation of the entire structure of the legal system is built. This Court feels that it would not be appropriate to send the petitioner behind bars at this juncture, especially so when he has had a chance to repent his wrongdoings and turn a new leaf. The sentence already undergone by the petitioner, when seen in light of the protracted litigation that has been suffered can be considered as commensurate to the



crime that has been committed. Therefore, given these circumstances, but in no way undermining the gravity of the offence that the petitioner is guilty of, this Court deems it a fit case to reduce the quantum of sentence awarded to the petitioner to the period already undergone by him.

10. Accordingly, the conviction of the petitioner is upheld. However, the order of sentence dated 24.05.2014 passed by the learned Judicial Magistrate Ist Class, Batala which was upheld by the learned Additional Sessions Judge, Gurdaspur vide judgment dated 20.01.2016, is modified, and the sentence of 01 year of rigorous imprisonment awarded to the petitioner is reduced to the period of sentence already undergone by him, subject to deposit Rs.1 lac before the learned Trial Court within a period of 04 months, which shall then be disbursed to the complainant. This amount of Rs.1 lac is apart from the fine as directed to be paid by the learned Trial Court in the order dated 24.05.2014. It is made clear that if the said amount is not deposited within the stipulated period, the petitioner will have to undergo the remaining part of the sentence of 01 year.

11. This petition is disposed of in above-said terms.

12. Pending miscellaneous application/s, if any, shall also stands disposed of, in view of the above-said order.

**(KIRTI SINGH)**  
**JUDGE**

**September 09, 2025**  
***Kapil***

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No