

(2025) 12 P&H CK 0019

Punjab And Haryana HC

Case No: Criminal Revision No. 1927 Of 2015

Jassa Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Indian Penal Code, 1860-Section 34, 324, 325, 326

Hon'ble Judges: Anoop Chitkara, J

Bench: Single Bench

Advocate: K.B. Raheja, Akshay Kumar

Final Decision: Partly Allowed

Judgement

Anoop Chitkara J

FIR No.	Dated	Police Station	Sections
176	05.11.2007	MallanWala	324, 325, 323/34 IPC

Case No.	Sessions Trial No. RBT-25 of 2008
	Date of Decision: 29.08.2014
Criminal Appeal No.	39 of 29.09.2014 Date of Decision: 25.03.2015

Convicts name	Penal provision	Sentence
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Jassa Singh	325, 326/34, 324/34 IPC	Substantive sentence: RI for two years with fine of Rs.2000/-
Massa Singh	326, 325/34, 324/34 IPC	Substantive sentence: RI for three years with fine of Rs.3000/-
Gurdev Singh	326/34, 325/34, 324 IPC	Substantive sentence: RI for one year with fine of Rs.2000/-

1. The convicts/petitioners, who have been convicted and sentenced in the matter captioned above, after dismissal of their appeal, have come up before this court by filing the present revision petition for setting aside the judgment of conviction and order of sentence dated 29.08.2014 and judgment dated 25.03.2015 whereby the appellate Court had affirmed the judgment of trial Court.

2. In the above-captioned sessions trial, accused were prosecuted for committing an offense punishable under Sections 325, 326, 324 r/w 34 IPC. Vide judgment dated 29.08.2014, accused persons, namely Jassa Singh, Massa Singh and Gurdev Singh (petitioners), were found guilty and were convicted under Sections 325, 326, 324 r/w 34 IPC and sentenced accordingly.

3. On 18th November 2025, when the matter was heard, counsel appearing for the convicts submitted that he would be confining his submissions only for reduction of sentence because the incident is 18 years old and the case is pending before this Court itself from the last 10 years and during the interregnum, there is no allegation against any of the convict of re-indulging in crime.

4. State counsel opposes such prayer.

5. An analysis of the arguments on reduction of sentence would lead to the following outcome. Whenever a convict ask for reduction of sentence, then the first advantage which the prosecution or the complainant gets is that the conviction is upheld, it means that the prosecution or the complainant succeeds in their allegation which would further reduce the risk of any suit for recovery /damage for false implication or failure of the case.

6. Thus, whenever a request for reduction of sentence is made, one of the foundational reasons to reduce the sentence is that the convicts are not challenging their conviction which substantiates the allegations made by the complainant and the prosecution lodged by the State. However, how much reduction is to be given, this aspect has to be considered along with other mitigating factors which have to

be highlighted separately.

7. In the present case, the first circumstance for reduction of the sentence is that the trial is of the year 2007 i.e. as of date 18 years have passed when the occurrence had taken place and the case is still pending. It is not that the case is pending because of the adjournments sought by the petitioner alone, however the primary reason for pendency of the case including the trial was the massive pendency before the Courts and the workload. Thus the petitioner-accused cannot be blamed for the pendency and for the last 18 years, the sword of Damocles has been hanging over their head. On this ground alone, applicants are entitled to reduction of 1% for every year's delay which would amount to 18% reduction.

8. The next reason for reduction is that as per the counsel for the applicants, the petitioners are poor and have try to improve and did not indulge in any other offense during the pendency of the petition.

9. The third reason for reduction of sentence is that applicant Jassa Singh has already undergone a sentence of 01 year, 11 months and 06 days out of total sentence of 02 years, applicant Massa Singh has undergone 01 year, 10 months and 17 days out of 03 years and the third convict Gurdev Singh has undergone 09 months and 29 days out of the maximum sentence of 01 year respectively, as per custody certificate dated 17.11.2025.

10. Thus, in the entirety of all the factors mentioned above, this Court is of the considered opinion that considering the sentence already undergone, the delay in trial, the time for which the FIR was pending against the convicts and their remorse would entitle them that the sentence of imprisonment is reduced to that which they have already undergone.

11. Consequently, the present petition is partly allowed. Judgment of conviction dated 29.08.2014 affirmed vide judgment dated 25.03.2015 is upheld, however, the sentence awarded by the trial Court is reduced to the period already undergone by the petitioners. Since the petitioners have already been released from custody, as such their bail bonds are discharged, surety bonds are also discharged. Case property be destroyed, if not already destroyed within six months. Amount of fine is forfeited to State. All pending application(s), if any, stand closed.