



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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(1) CRR-2376-2008

(2) CRR-2382-2008

Date of decision: August 25, 2025

RAJINDER KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petitions have been filed against the impugned judgment of conviction dated 25.09.2002 in case FIR No.17 dated 23.04.1994 under Sections 409, 468, 477-A/471 of Indian Penal Code, 1860, registered at Police Station Amargarh, District Malerkotla, Punjab.

2. At the very outset, learned counsel appearing for the petitioner submits that he does not propose to assail the findings of conviction recorded by the learned trial Court on merits, and confines his challenge solely to the quantum of sentence. It is urged that the offence in question pertains to the year 1993 i.e. more than 3 decades ago, and even since then, the petitioner has undergone an ordeal of a long-drawn trial and appellate proceedings spanning nearly 32 years.

3. Learned counsel submits that the petitioner was granted bail after conclusion of the trial and from that day until the present, he has scrupulously abided by the conditions of bail. It is further highlighted that during his prolonged period, the petitioner has not been involved in any other criminal case, nor has he misused the concession of bail in any manner. On the strength of these circumstances, it is contended that a lenient view



may be taken with regard to the sentence, and considering the good conduct of the petitioner and his advanced age, he may be released on probation.

4. *Per contra*, learned State counsel has opposed the prayer for leniency, and submitted that there are specific and well-founded allegations against the petitioner of misappropriating public funds deposited in the bank, where he was serving as a Manager, by resorting to fraudulent practices, including the opening of fictitious accounts. It is urged that the acts attributed to the petitioner constitute grave offences involving criminal breach of trust, forgery and falsification of accounts. In such circumstances, it is contended that the petitioner does not deserve any indulgence or leniency from this Court.

5. I have heard learned counsel for the parties and carefully perused the material on record including the judgments passed by the learned trial Court as well as the Lower Appellate Court affirming the conviction of the petitioner. Both the Courts below have concurrently found the petitioner guilty, and their findings are based upon cogent appreciation of evidence. The conviction, therefore, does not suffer from any illegality or perversity warranting interference.

6. Vide impugned order and judgment of conviction dated 25.09.2002, the petitioner had been convicted and sentenced as follows:-

Name of the accused	Section(s)	Sentence	Fine, if any	Sentence in default of payment of fine
Rajinder Kumar	409	RI for 3 years	Rs.2,000/-	RI for 4 months
	468	RI for 1 year	Rs.1,000/-	RI for 2 months
	477-A	RI for 1 year	Rs.1,000/-	RI for 2 months

7. The limited question that arises for determination in the present revision petition pertains to the sentence imposed upon the petitioner and the prayer for his release on probation.



8. It is a matter of record that the incident relates back to the year 1993. The petitioner has already undergone the rigors of criminal litigation for over 32 years. It has also not been disputed by learned State counsel that during all these years, the petitioner has not been found involved in any other criminal case. The concession of bail granted to him has not been misused, and his conduct during the pendency of trial and appeal has remained above reproach.

9. It is true that offences for which the petitioner stands convicted, are of a serious nature involving breach of trust, involving breach of trust and financial impropriety. Ordinarily, such offences warrant deterrent punishment in order to maintain public confidence in financial institutions and to discourage similar conduct. However, the sentencing policy in a modern legal system is not founded solely on deterrence. Reformation and rehabilitation are equally significant objectives of criminal jurisprudence. In the peculiar facts of the present case, the Court cannot be oblivious of the long passage of time since the commission of offence, the protracted agony of trial faced by the petitioner and his advanced age at this stage. The petitioner has had ample opportunity over the last three decades to reflect upon his past conduct, and his demonstrably good behaviour during this extended period is a strong indicator of reformation. In such circumstances, sending the petitioner back to custody after more than 30 years of trial proceedings would serve little practical purpose and may not advance the ends of justice. On the contrary, extending the benefit of probation would adequately balance the need for justice with the principles of reformatory jurisprudence.

10. In view of the foregoing discussion, this Court is of the considered opinion that while the conviction of the petitioner as recorded by the Courts below deserves to be upheld, it would not be appropriate to direct him to undergo imprisonment at this distant stage of life. Instead, the ends of justice would be better served by releasing him on probation.



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11. The instant revision petitions are accordingly disposed of. This Court, in the above circumstances, while upholding the conviction, does not deem it appropriate to send the petitioner behind bars at this stage. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs. Accordingly, the petitioner is ordered to be released on probation under the Probation of Offenders Act, 1958, for a period of six months on his entering into a bond in the sum of Rs.25,000/- with one surety of like amount, to the satisfaction of Chief Judicial Magistrate concerned, with an undertaking that he shall maintain good conduct and peace.

12. Copy of this order be placed on the file of the connected case.

August 25, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*