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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

244-A

CRR-2697-2011 (O & M)
Date of decision: 04.12.2025

NARESH KUMAR

....Petitioner

Versus

CBI

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K.Handa, Sr. Advocate with
Mr. Dharam Bir Bharav, Advocate and
Ms. Gauri Handa, Advocate,
for the petitioner.

Mr. Akashdeep Singh, Special Public Prosecutor, CBI.

Mr. D.R.Bansal, Advocate,
for the Insurance Company.

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred by the petitioner against the judgment dated 03.10.2011, passed by Additional Sessions Judge, Patiala, affirming the judgment/order of conviction by trial Court on 01.10.2004, whereby he alongwith co-accused was convicted and sentenced to undergo as under:-

Section	Imprisonment	Fine	In default
120-B read with Sections 420/467/468/471 IPC	RI for 2 years	Rs.500/-	15 days
420 IPC	RI for 2 years	Rs.500/-	15 days
467IPC	RI for 3 years	Rs.1000/-	1 month
468 IPC	RI for 2 yeas	Rs.500/-	15 days
471 IPC	RI for 2 years	Rs.500/-	15 days

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All the sentences have been ordered to run concurrently.

2. Shorn of unnecessary details, the facts of the prosecution case are that accused namely, Ashwani Walia in the year 1997 entered into a criminal conspiracy with accused Naresh Kumar Sharma alias N.K.Sharma of M/s P.C.Sharma and Company with the object to cheat and defraud the United India Insurance Company/Limited, as in pursuance of the conspiracy, the accused in the first instance got insured one Circular Knitting Machine and two flat computerized machines of a non-existing firm M/s Preet Knit wears, Nanak Nagar, near Sabji Mandi, Ludhiana, vide cover note No.362727 dated 3.6.1997 and subsequently reported the damage of the same in order to obtain a fraudulent claim, and that the consolidated premium of Rs.22,523/- was paid vide cheque No.0138115 dated 2.6.1997 from account of M/s Preet Knitwears, account No.74560 in Bank of Baroda, Clock Tower, Ludhiana. Further that, on 15.7.1997, a letter was received from the co-accused in the office of United India Insurance Company Limited, in his capacity as Proprietor of M/s Preet Knit wears, Ludhiana, regarding damage of the same. The petitioner was deputed for assessment of loss on 15.7.1997, who submitted Survey Report to the Insurance Company along with other documents and on the basis thereof, an amount of Rs.1,56,710/-was paid to the firm M/s Preet Knit Wears as claim and Rs.4345/- was fee for surveyor.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-petitioner. On

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finding a prima facie case, charges under Sections 120-B, read with Sections 420, 467, 468, 471 IPC was framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 27 witnesses. Thereafter, the statements of the accused under Section 313 Cr.P.C. were recorded. The incriminating evidence was put to them, which they denied, pleading innocence and alleging false implication. In their defence, they examined 8 witnesses.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioner as noticed above, which was further affirmed by the learned Appellate Court in an appeal preferred by them.

6. Aggrieved petitioner is before this Court.

7. Learned Senior Counsel, at the very outset, gives up challenge to the conviction and prays for reducing the sentence awarded to the petitioner to the period already undergone, it being 1 month and 19 days, on the ground that he is sole bread-winner of the family; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial for the last 25 years.

8. Learned counsel for CBI and the Insurance Company oppose on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioner, therefore, prays for the dismissal of the present petition. Learned counsel for CBI, however, affirms the non-involvement of the petitioner in any other

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criminal case and the period undergone by him as per the custody certificates.

9. Heard the learned counsel on either side and perused the record.

10. Evidently, the survey report Ex.PW 5/6, bill/cash memo No.1369 dated 17.7.1997 Ex.PW 5/7 and the receipt on the said document were alleged to have been falsely prepared for using the said document as genuine in order to cheat and induce the Insurance Company to deliver the amount of Rs.156,710/- and Rs.4345/-. The petitioner being the Surveyor was to submit the report regarding the breakdown of the machinery belonging to co-accused Ashwni Walia of M/s Preet Knitwear. The reverse side of bill Ex.PW 5/7 and receipt thereof bear the signatures of the petitioner indicting that the same were verified by him, besides backside also, bears the signatures of co-accused Ashwani Walia. The documents including the valuable security had been forged dishonestly for using the same as genuine for the purpose of cheating the Insurance Company for obtaining the aforesaid amount.

11. This Court in **Parminder Singh @ Kala vs. State of Punjab**, CRR-1134-2017 decided on 19.07.2017, wherein the accused was convicted under Sections 379, 411, 420, 467, 468 and 471 IPC, reduced the sentence of one year to 10 months, by considering that the petitioner was facing trial since 2010. Similarly in **Jaggar Singh and another vs. State of Punjab**, CRR-1306-2009, decided on 15.05.2023, the substantive sentence awarded to the accused-appellants, who were convicted under

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Sections 420, 465, 467, 471 IPC for RI of 3 and 2 years respectively, was reduced to the extent of already undergone, while observing that the offence was committed in 1999 and the accused-appellants have maintained good-conduct since then.

12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "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 reformatory theory which propounds that a civilized 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. [**Maru Ram v. Union of India**, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

13. In **Babu Lal and another vs. State of Rajasthan**, S.B. CRP No. 594 of 2003, decided on 01.05.2024, Rajasthan High Court keeping in view that the occurrence took place in 1989 and the accused-petitioner had undergone 15 days out of total sentence of 2 years S.I, partly allowed the appeal by reducing the same to the foregoing period. Similarly in **Sanwal Ram vs. State of Haryana**, CRR-2795-2009, decided on 19.03.2025, a case of conviction under Sections 420, 465, 468, 416, 417 and 120-B IPC, this Court, in consideration of the circumstances that the accused is 88 years old, and had undergone 3 months 6 days out of 2

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years; first time offender; no antecedents, took a lenient view furthering the cause of justice and reduced the sentence to the period already undergone.

14. Hon'ble The Supreme Court in **P. Soundarya vs. Income Tax Officer, Tamil Nadu**, Criminal Appeal no.969 of 2000 decided on 01.04.2008, had reduced the sentence to the period already undergone by the appellant wherein she was convicted under under Sections 420 read with Section 511 IPC and Section 193 IPC read with Section 136 of Income Tax Act, 1961, by taking into account that she was aged 52 years and had children as also that the matter was 25 years old.

15. Furthermore in **Edmund S. Lyngdoh vs. State of Meghalaya**, (2016) 15 SCC 572, the appellant was convicted under Section 420 and 120B IPC for 5 and 3 years of RI respectively along with fine of Rs. 1 lac and Rs. 50,000/- and sentence to the period of 248 days already undergone, observing that he was 70 years old, undergoing treatment, had paid the fine amount and the matter was lingering for 3 decades and in **Naresh Chaubey vs. Central Bureau of Investigation Through Gyanendra P.D. Singh**, 2018(1) SCC(Cri.) 293, the sentence of the appellant was reduced to the period of 20 months already undergone out of sentence of 3 years for conviction under Sections 420, 471 read with 465 IPC, by taking into consideration that he was aged 75 years and suffering from several ailments.

16. Humanistically viewing, the petitioner having suffered the ignominy of trial since long; successfully warded off his crime-proneness-

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an evident learning of a lesson; this Court finds circumstances warranting reduction discernible. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

17. The order of sentence dated 01.10.2004 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

04.12.2025

ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No