



CRR-73-2011

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

246

CRR-73-2011

Date of decision : 01.04.2025

Amarjit Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The prayer in the present appeal is to set aside the judgment dated 29.11.2010 passed by learned Sessions Judge, Kapurthala, whereby, the judgment of conviction and order of sentence dated 24.09.2008 passed by learned trial Court convicting the petitioner for the offence punishable under Sections 120B, 420, 467, 471 of IPC have been upheld, in the case stemming from FIR No.124 dated 26.08.2004, under Sections 420, 465, 467, 468, 471, 477-A and 120 B of IPC at Police Station Sadar, Phagwara.
2. The petitioner was convicted for forging the death certificate of one Chanan Kaur and used the same as genuine document during mutation proceedings in his favour and he was sentenced as mentioned below:

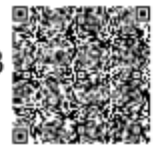
Under Section	Sentence
120B IPC	RI for six months
420 IPC	Rigorous imprisonment for a period of 02 years and Rs.500/- as fine and in default of payment of fine, to



	further undergo rigorous imprisonment for one month.
467 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for one month.
471 read with Section 120B IPC	Rigorous imprisonment for a period of 02 years and fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for one months.

It was ordered that all sentences shall run concurrently.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 29.11.2010 on merits and restricts his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of 8 months and 30 days in custody.
4. *Per contra*, learned State counsel opposes the prayer of the petitioner as the learned Court below has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by learned lower appellate Court and as such, he does not deserve any leniency. He further submits that petitioner was also convicted in another case but completed his sentence.
5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner has forged the death certificate of Chanan Kaur and has used the same as genuine document during mutation proceedings in favour of him. As per his custody certificate, the petitioner has already undergone an actual sentence of 8 months and 30 days out of total sentence of two years, in the instant case. Since there is no minimum punishment prescribed under Sections 120B,

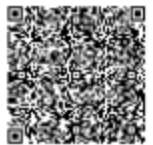


420, 467, 471 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

6. In ***Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257***, 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 principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

7. Further, the Hon'ble Supreme Court in ***Ravada Sasikala vs. 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 trial Court indicates no perversity in its findings and the same is based on correct

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appreciation of evidence available on record. However, the FIR (supra) was lodged on 26.08.2004 and the petitioner has been suffering the agony of trial for last more than 20 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 appeal is disposed of in the following terms:-

(i) The judgment dated 29.11.2010 passed by the learned Sessions Judge, Kapurthala, is upheld.

(ii) The order of sentence dated 24.09.2008 passed by learned trial Court is modified to the extent that the sentence of rigorous imprisonment for 02 years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

(HARPREET SINGH BRAR)
JUDGE

01.04.2025
anil

Whether speaking / reasoned Yes/No
Whether Reportable Yes/No