



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

395

CRA-S-2379-SB-2011 (O&M)

Date of decision: 13.03.2026

Jaswant Singh @ Jassa

...Appellant

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. R.K. Girdhar, Advocate
for the appellant.

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

VINOD S. BHARDWAJ. J.(Oral)

The present appeal has been preferred against the judgment of conviction and order of sentence dated 14.09.2011 passed by Additional Sessions Judge, Tarn Taran whereby the appellant has been convicted under Section 489-C IPC, 1860 and was sentenced to undergo rigorous imprisonment of 05 years with a fine of Rs.5000/- and in default thereof to undergo simple imprisonment for a period of one month.

2. Briefly stated, the facts of the present case are that on 5.11.2008, the police party headed by SI/SHO Barjinder Singh was present at Canal bridge of Khadoor Sahib in connection with patrolling and for holding special Nakabandi. At that time, police noticed a person coming from the side of Khadoor Sahib along the pucca road who on seeing the police party standing ahead, became nervous and attempted to turn back. The said person was asked to stop by SI/SHO Barjinder Singh, but instead of stopping he started running from the spot.

However, he was apprehended by SI/SHO Barjinder Singh with the help of other police officials on the ground of suspicion. Upon inquiry, he disclosed his name as Jaswant Singh. Before conducting his personal search, SI/SHO Barjinder Singh along with other police officials made efforts to join an independent witness but none agreed. Thereafter, SI/SHO alongwith other police officials conducted the personal search of said Jaswant Singh and from the right pocket of the kurta worn by him, counterfeit currency notes tied by a rubber band were recovered. On counting, the same were found to be 79 counterfeit currency notes of the denomination of Rs.500/-each, out of which 64 notes were of OGK 558498, 14 notes of SAC 749803 and one note bore number SEC 218415. A parcel of these counterfeit currency notes was prepared and sealed by SI/SHO with his seal bearing seal impression "BS". A separate sample seal was also prepared and the seal, after use, was handed over to ASI Santokh Singh. The counterfeit currency notes were taken into police possession vide a separate recovery memo. FIR was registered against the appellant-accused under Section 489-A, 489-B and 489-C. Investigation was commenced and during the course of investigation, report of chemical examiner was obtained.

3. After completion of investigation, challan against the appellant was presented in the Court where copies of challan were supplied to him free of costs, as required under Section 207 of Cr.P.C.

4. Finding a prima facie case under Section 489-C, IPC against the appellant, charge was accordingly framed to which he pleaded not guilty and claimed trial.

5. On completion of the procedural compliances, parties led their respective evidence. The prosecution examined five witnesses and the evidence was thereafter closed.

6. The entire evidence was put to appellant and statements under Section 313 Cr. P.C. were recorded. The appellant denied the same. However, no defence evidence was led by him.

7. On consideration of the evidence and hearing the arguments, the appellant was convicted under Section 489-C IPC, 1860 by the Additional Sessions Judge, Tarn Taran vide judgment of conviction/order of sentence dated 14.09.2011 and was sentenced to undergo rigorous imprisonment of 05 years with a fine of Rs.5,000/- and in default thereof to undergo simple imprisonment for a period of one month. Hence, the present appeal.

8. Counsel for the appellant, at the outset, contends that he does not wish to challenge the conviction and restricts his prayer qua modification of the order on quantum of sentence. He submits that the fine imposed by the Additional Sessions Judge, Tarn Taran already stands deposited and prays that the sentence imposed upon the appellant, be modified and reduced to the period of custody already undergone. He points the following mitigating circumstances:

(i) The occurrence pertains to the year 2008 and the appellant has faced the agony of protracted criminal proceedings for more than 18 years which in itself has had a considerable deterrent and punitive impact.

(ii) That the appellant is a first-time offender with clean

antecedents and has not been involved in any other criminal case.

(iii) The appellant is around 55 years of age and his continued criminal incarceration is going to have adverse impact on his health and well-being and discharge of his familial obligations.

(iv) The appellant's sentence was suspended vide order dated 22.12.2011 after noticing that he has already undergone a period of 5 months. He contends that there is nothing on record to suggest that appellant has misused the concession of suspension of sentence granted to him.

(v) Accordingly, it is prayed that the sentence imposed upon the appellants be reduced to the period already undergone.

9. Learned State counsel doesn't have any major objection to the aforesaid prayer being granted.

10. I have heard learned counsel for the parties and have gone through the impugned judgments.

11. Since the appellant has given up the challenge to the judgment of conviction on merits, hence, the issues on merits of conviction are not being gone into at this stage. The discussion is thus restricted solely to the issue of sentencing and quantum of punishment.

12. The purpose of sentencing being both deterrent as well as reformatory, hence, while sentencing of an accused factors, such as psychological and sociological circumstances of an accused; the gravity,

nature and manner of committing the offence; the consequences, the social reaction of the offence; the antecedents and tendencies of an accused should be taken into consideration.

13. In the present case, there is nothing on record to reflect that the appellant possesses a criminal bent of mind or that their conduct poses any threat to the society. Hence, by the broader principles of criminal jurisprudence, no adverse presumption can be drawn against the revisionist-appellant.

14. Reliance is placed on the judgment of Hon'ble Supreme Court in the matter of **Mohammad Asif and Others v. State of Karnataka, Criminal Appeal no. 2618/2014 decided on 30.01.2025** where the sentence of the appellants therein was suspended to the period already undergone after noticing that the appellants had no criminal antecedents and there is no minimum sentence prescribed under Section 489C of IPC.

15. Reliance is also placed on the judgment of **Gurmej Singh and Another v State of Punjab, 2014(2) RCR (Criminal) 775** where the accused's sentence under Section 489C , IPC was reduced to the period already undergone after noticing that he has already faced the agony of criminal proceedings for a period of 12 years.

16. This Court, in **CRR-2697-2025** titled '**Lakshay Jain v. State of Punjab & Another**', vide order dated 14.11.2025, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself,

establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

“32. The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work “Criminology,” observed that:

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

33. Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.

34. While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a ‘criminal’ and an ‘offender’.

35. While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a ‘criminal.’ ‘Criminality’ in mind and action has to be determined from the totality of circumstances including the mode and manner in

committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.

36. The case in hand is yet another where interest of justice would warrant a reformatory approach in precedence to a punitive or retributive approach. It is not the function of the judges to seek the transformation of human nature itself, but rather to shape the framework within which individuals perceive that adherence to the law aligns with their own best interests.”

17. Adverting to the facts of the present case and the mitigating circumstances pointed out by counsel for the appellant establish that appellant is a first-time offender-Jaswant Singh @ Jassa with no criminal antecedents and has not indulged in any subsequent crime. He has undisputedly faced agony of criminal trial for almost 18 years. He is a settled member of society and prolonged incarceration will have an adverse impact on the education and well being of his children as well as on his health and well-being.

18. Taking into consideration the facts and the mitigating circumstances as noticed above, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence is modified. The sentence awarded to appellant-Jaswant Singh

@ Jassa by Additional Sessions Judge, Tarn Taran is modified and reduced to sentence already undergone.

19. Pending application(s), if any, shall stand disposed of.

13.03.2026
SumitGusain

(VINOD S. BHARDWAJ)
JUDGE

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