



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRR-2939-2012 (O&M)
Date of decision : 12.01.2026

Vijay KumarPetitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vipin Mahajan, Sr. Advocate with
Mr. Randeep Singh, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present revision petition has been preferred by the petitioner against the judgment dated 03.09.2012, passed by the Ld. Addl. Sessions Judge, Gurdaspur, affirming the judgment/order of conviction by trial Court on 06.02.2010, whereby he was convicted and sentenced to undergo as under:-

Section	Imprisonment	Fine	In default
420 IPC	RI for 3 years	Rs.5000/-	RI for six months
471 IPC	RI for 3 years	Rs.5000/-	RI for six months
467 IPC	RI for 3 years	Rs.5000/-	RI for six months
468 IPC	RI for 3 years	Rs.5000/-	RI for six months

All the sentences shall run concurrently.

2. Shorn of unnecessary details, the facts are that on 11.02.2003, ASI Kirpal Singh along with other police officials received a secret information that the accused-petitioner who falsely prepared the driving licenses, registration certificates of the vehicle, certificate of school and colleges, was present at Bus Stand Sohal. The police party raided the disclosed place and apprehended him with the brief case having the said documents. Thus, an FIR was registered under Sections 420/467/468/471 IPC.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-petitioner. On finding a prima facie case, charges under Sections 420, 467, 468, 471 IPC were framed against him, to which he pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 7 witnesses. Thereafter, the statement of the accused under Section 313 Cr.P.C. was recorded. The incriminating evidence was put to him, which he denied, pleading innocence and alleging false implication.

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

6. Aggrieved petitioner is before this Court.

7. Learned counsel for the petitioner, 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 4 months & 16 days, on the ground that he is aged and first offender; belongs to the poor strata of the society; sole breadwinner of his family; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial since 2003.

8. Learned State counsel opposes 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. He, however, affirms the non-involvement of the petitioner in any other criminal case and the period undergone by him.

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

10. Evidently, PW4-ASI Kirpal Singh, apprehended the accused-petitioner along with the documents i.e. driving licenses, registration certificates and certificates for schools and colleges, which duly corroborated by PW2-ASI Vijay

Kumar and recovery memo Ex.PB. On going through the evidence on record, the prosecution has proved the case against them. Thus, there is no scope for interference in the findings recorded and conclusion arrived at by the Courts below. As such, his conviction is upheld.

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 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 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 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. Moreover, in **Kulbir Singh and others vs. State of Punjab**, CRR-2879-2011, decided on 19.01.2023, this Court had reduced the sentence of the accused-petitioners, convicted under Sections 292, 293, 420 IPC, from 2 years to 4

months & 27 days considering the mitigating circumstances and the fact they were facing the pangs of protracted trial for the last about 20 years.

17. Humanistically viewing, the petitioner having suffered the ignominy of trial since long; successfully warded off their crime-proneness-an evident learning of a lesson; his socio-economic circumstances, 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.

18. The order of sentence dated 06.02.2010 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

12.01.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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