

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

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2026:PHHC:071692



CRR-1029-2026 (O&M)
Date of Decision: 07.05.2026.

TARA CHAND

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

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

Present :- Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J.(Oral)

The present criminal revision petition has been preferred against the judgment of conviction and order of sentence dated 05.03.2021 passed by the Sub Divisional Judicial Magistrate, Sub Division, Bilaspur, in case bearing Police Challan No.23 dated 10.01.2018, arising out of FIR bearing No.94 dated 07.06.2017, under Sections 420, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Sadhaura, District Yamuna Nagar, whereby

the revisionist-petitioner had been convicted and sentenced as under:-

Accused	Offence under Section	Sentence
Tara Chand	420 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-.
	468 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-.
	471 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-

2 In default of payment of fine, the petitioner will be directed to further undergo rigorous imprisonment for a period of three months. All the sentences were ordered to run concurrently.

3 A further challenge is also made to the judgment dated 10.04.2026 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri, in criminal appeal bearing No.41 dated 19.05.2021, vide which the appeal filed by the petitioner has been dismissed.

4 In brief, the facts of the case are that, on 07.06.2017, a complaint, bearing no. 164/08 dated 30.05.2017, was moved by District Social Welfare Officer, Yamuna Nagar to Superintendent of Police, Yamuna Nagar. It has been alleged in the complaint that Ranjit Singh s/o Ram Chander, r/o village

Jhanda, Tehsil Bilaspur had moved a complaint before the CM window, to the effect that, revisionist-petitioner Tara Chand had received old age pension, on the basis of forged document. He had submitted School Leaving Certificate allegedly issued from the Government Senior Secondary School, Salehpur at Sr. no. 1518, showing date of birth of accused as 05.08.1951. The said School Leaving Certificate was got verified from the school authorities and vide letter no. 638/17 dated 20.03.2017, Principal, Government Senior Secondary School, Salehpur reported that name of petitioner Tara Chand s/o Fakir Chand did not find mention in any entry at Sr. no. 1518 in the admission register of the school nor the said School Leaving Certificate was ever issued by the school authorities and the same is a forged document. As such, he had received old age pension to the tune of Rs. 32,000/- from February 2015 to January, 2017 on the basis of a forged document. A demand notice no. 15304, dated 24.03.2017 was issued to the petitioner and he has deposited a sum of Rs. 36,754/- i.e. (Rs.32000/- pension and Rs. 6764/- interest) with the Social Welfare Department. Therefore, it is alleged that petitioner committed the offence of cheating and forgery of document against the department of Social Welfare, by way of receiving old age pension, on the basis of forged document.

5 On the basis of above said complaint, the present case was registered against the petitioner. Investigation was carried out, petitioner was arrested, documents were taken into possession and statements of the witnesses were recorded. After completion of the usual formalities of the

investigation, the report under section 173 Cr. P.C. was prepared and presented before the Court for putting the accused on trial.

6 Copies of challan and other documents were supplied to the petitioner free of cost as envisaged under Section 207 Cr.P.C.

7 On being satisfied that a prima-facie case punishable under Section 420,468,471 of IPC was made out against petitioner, he was charge sheeted on 03.04.2018, by the court of Sh. Vinod Kumar, the then learned Judicial Magistrate 1st Class, Sub Division, Bilaspur, to which the accused did not plead guilty and claimed trial.

8 In order to prove its case, the prosecution examined as many as six prosecution witnesses and closed the same on 15.07.2019.

9 When confronted with incriminating evidence put in statement under Section 313 Cr.P.C. the petitioner pleaded false implication and claimed innocence. In his defence, the petitioner examined DW1 (Dr. Jassy Anand).

10 After considering the arguments advanced, the testimonies of witnesses and the evidence placed on record, the Trial Court, vide judgment dated 05.03.2021, convicted the accused and sentenced him vide order of even date.

11 Aggrieved by the aforesaid judgment of conviction and sentence, the accused preferred Criminal Appeal before the Court of the learned Additional Sessions Judge, Yamuna Nagar. However, vide judgment dated 10.04.2026, the appeal was dismissed. Hence, the present revision petition.

12 Since counsel for the petitioner had given up challenge to judgment of conviction passed by the trial Court as well as the judgment

passed in appeal preferred by the petitioner, hence, the case of the petitioner is being considered only on the quantum of punishment that has been so awarded. The following mitigating circumstances are pointed out by the counsel for the petitioner: -

- (i) The incident in question was reported in the year 2017, and 9 years have elapsed since then.
- (ii) The petitioner is stated to be aged 70 years as on today.
- (iii) There is nothing on record to suggest that either prior to the above incident or thereafter, the petitioner was involved in any other criminal activity.
- (iv) The petitioner has undergone an actual sentence of 01 month out of the maximum sentence of one year awarded by the trial Court, as affirmed by the appellate Court.
- (v) Nothing has come on record that the petitioner has involved himself in any offence of such or a similar nature thereafter, till date.
- (vi) The petitioner has endured the ordeal of a prolonged criminal trial spanning over 9 years which in itself has caused severe anxiety and hardship to the parties, without any corresponding advancement to the cause of justice.
- (vii) The petitioner has returned substantial amount received by him and in these circumstances, directing the petitioner to

undergo his remaining sentence would have devastating consequences for the family and on his health.

- (vii) It is further submitted that the petitioner had received a total amount of Rs.32,000/- towards pension and that an amount of Rs.37,000/- has already been returned including the compensatory interest. Hence, no benefit has ever been retained by him.

13 Per contra, learned State counsel submits that both the Courts below have rightly appreciated the evidence led on record and have concurrently recorded a finding of conviction against the petitioner. It is contended that such concurrent findings, based on proper evaluation of evidence, carry a presumption of correctness. Learned counsel further submits that the scope of revisional jurisdiction is limited and does not extend to re-appreciation of evidence or to permitting the petitioner to set up a new line of defence. Interference is warranted only where there is a manifest illegality, material irregularity or perversity in the findings recorded by the Courts below. It is contended that the petitioner has failed to point out any such infirmity in the impugned judgments. There is no allegation, much less any demonstration, of misreading of evidence or non-consideration of material facts. Thus, in the absence of any such jurisdictional error no case is made out for interference and consequently, there is no occasion to upset the findings of conviction or the sentence awarded and affirmed by the Courts below.

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

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

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."*

17 Keeping the aforesaid principles in mind, it is evident that the offence in question is not in the nature as would be dangerous to national integrity or shocking to the public conscience.

18 The object of punishment is not only to punish but also to rehabilitate the offenders in society. Where an appellant reflects a strong possibility of improvement and reformative behaviour, the process of law

should come to the aid of such an appellant so as to ensure his reintegration into society.

19 I find that the prolonged incarceration due to protracted criminal trial and the consequent agony faced by the appellant, the actual sentence out of the total sentence already undergone by the appellant, the reformatory tendency shown by the appellant by not indulging in any other offence, the age of the appellant at the time of the incident and the fact that all the pensionary benefits availed by him have already been returned, in light of the legal principles referred to above, are sufficient mitigating circumstances to extend benefit to the petitioner.

20 Consequently, the judgment of conviction dated 05.03.2021 passed by the Sub Divisional Judicial Magistrate, Bilaspur, as well as the judgment dated 10.04.2026 passed by the Additional Sessions Judge, Yamuna Nagar, are affirmed. However, the order of sentence dated 05.03.2021 is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him. The petitioner, if not required in any other case, be released forthwith.

21 The present petition is accordingly **partly allowed**.

22 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

May 07, 2026.
raaj arora

(VINOD S. BHARDWAJ)
JUDGE

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