



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRR-2234-2016
Date of decision: 20.04.2026

BANSI LALPetitioner

VERSUS

STATE OF PUNJABRespondent

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

Present: - Mr. Arvind Galav, Advocate
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present revision petition has been preferred against the judgment of conviction and order of sentence dated 09.12.2014, passed by the Sub Divisional Judicial Magistrate, Moonak, in case bearing Challan No. 142 dated 17.10.2008 whereby the petitioner has been convicted in case bearing FIR No.39 dated 26.03.2008 registered under Sections 420 & 408 of the IPC at Police Station, Moonak and sentenced as under:

Offence under Section	Imprisonment	Fine	In default of payment of fine
408 IPC	03 years SI	Rs.5000/-	One month Simple imprisonment

Challenge is also to the judgment dated 09.03.2016 passed by the Additional Sessions Judge, Sangrur, in Criminal Appeal No. 03 dated 06.01.2015 whereby the appeal against the judgment of conviction was dismissed, however, the sentence imposed upon the petitioner was reduced from Simple Imprisonment for 3 years to Simple Imprisonment for 2 years for commission of offence under Section 408 of the Indian Penal Code.

2. Briefly stated, the prosecution case is that an application bearing Nos. 7850/C and 1065/C dated 24.03.2008 was submitted to the Senior Superintendent of Police, Sangrur, by the Inspector, Co-operative Societies, Focal Point, Maniana, seeking registration of an FIR against Bansilal, Ex-Sewadar of CASS Limited, Karail. It was alleged therein that during his tenure in the years 2005–2006, the said accused had misappropriated an amount of Rs.3,34,655/-, which came to light during an audit inspection conducted by Audit Inspector Shri Narinder Kumar. The allegations further indicate that although the accused made entries of the received amounts in the passbooks of the members of the Society, he neither recorded the same in the official records of the Society nor deposited the amounts in the bank. Upon obtaining legal opinion from the Deputy District Attorney (Legal), Sangrur, a formal FIR came to be registered against the accused and investigation was set into motion.

3. After completion of the investigation, the final report under Section 173 Cr.P.C. against the petitioner-accused and documents were supplied to the accused-petitioner free of cost.

4. Finding a prima facie case having been made out, the petitioner was charge-sheeted for the commission of offences punishable under Sections

408 and 420 of the Indian Penal Code, 1860 and the contents of the same were read over the and explained to the accused, to which he pleaded not guilty and claimed trial.

5. In support of its case, the prosecution examined the following witnesses and thereafter the evidence was closed by order:

PW-1	Bishan Singh Inspector Co-Operative Society
PW-2	Bhagat Ram Secretary
PW-3	Malwinder Singh Junior Assistant
PW-5	Amrik Singh
PW-6	Joginder Singh
PW-7	Kewal Singh
PW-8	Narinder Kumar Sharma
PW-9	Gurmukh Singh
PW-10	Resham Singh
PW-11	Harbans Singh
PW-12	Mohinder Singh
PW-13	Satpal Singh
PW-14	SI Angrej Singh

6. The entire evidence was put to the petitioner and his statement under Section 313 Cr. P.C. was recorded. He denied the same and pleaded false implication, but led no evidence in defence.

7. On consideration of the evidence and hearing the arguments, the Sub Divisional Judicial Magistrate, Moonak convicted the petitioner vide judgment dated 09.12.2014 and sentenced him as mentioned above. Appeal against the order of conviction was also dismissed by the Additional Sessions Judge, Sangrur vide judgment dated 09.03.2016. However, the sentence imposed upon the petitioner was reduced from Simple Imprisonment for 3 years to Simple Imprisonment for 2 years for commission of offence under Section 408 of the Indian Penal Code. Hence, the present petition.

8. Learned counsel for the petitioner contends that he does not wish to challenge the conviction and confines his prayer only to the sentencing part. The following mitigating circumstances are pointed out by him:

- a. The occurrence pertains to the year 2008, and nearly seventeen years have elapsed since then, during which the petitioner has faced prolonged criminal proceedings, causing substantial mental agony and hardship.
- b. The petitioner has already undergone actual custody of 11 months and 25 days out of the total sentence of 2 years.
- c. There is no material on record to suggest that the petitioner has been involved in any other criminal case, either prior to or subsequent to the present occurrence, indicating reformation and successful reintegration into society.
- d. The petitioner has endured the ordeal of a protracted trial spanning nearly 18 years, which in itself has had a deterrent and reformatory effect.
- e. At the time of conviction, the petitioner was approximately 38 years of age and has now advanced to about 48 years, indicating that a substantial and formative period of his life has already been spent under the shadow of

criminal proceedings, thereby warranting a more balanced and humane consideration in the matter of sentence.

- f. The overall conduct of the petitioner reflects genuine reformatory tendencies, warranting a balanced and humane approach in sentencing.
- g. It is a settled principle that the object of punishment is not merely retributive but also reformatory; where an offender demonstrates rehabilitation, emphasis ought to shift towards reintegration rather than continued incarceration.
- h. In the facts and circumstances of the present case, the ends of justice would be adequately met by reducing the sentence to the period already undergone.

9. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent and reliable evidence brought on record during the trial. It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

10. I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present revision, including the impugned judgment.

11. 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.

12. Taking into consideration that the occurrence pertains to the year 2008 and nearly 18 years have elapsed, during which the petitioner has undergone the ordeal of prolonged criminal proceedings; that he has already undergone actual custody of 11 months and 25 days out of the total sentence of two years; that there is no material to indicate any involvement in other criminal cases and further that the petitioner is now around 48 years old and has spent a substantial part of his life under the shadow of litigation, this Court is of the view that the ends of justice would be adequately met by directing that the sentence awarded to the petitioner be reduced to the period already undergone.

13. Accordingly, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded by the Sub Divisional Judicial Magistrate vide judgment dated 09.12.2014 and modified by Additional Sessions Judge, Sangrur vide judgment dated 09.03.2016 is further modified to the period already undergone.

14. All the pending miscellaneous application(s), if any, are also disposed of.

APRIL 20, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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