

2026.PHHC-025091



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

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CRR-901-2014 (O&M)
Date of decision : 17.02.2026

Gurmeet Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Fateh Sahota, 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 24.02.2014, passed by the Learned Additional Sessions Judge, Fatehgarh Sahib, affirming the judgment/order of conviction by trial Court on 05.02.2013, whereby he was convicted and sentenced under Section 420 IPC to undergo RI for two years along with fine of Rs.3000/-.
2. Shorn of unnecessary details, the facts are that in the year 2005, accused-petitioner, who is a travel agent, had taken amount of Rs.19,00,000/- from the complainants to send them to Italy. He though sent them to Bangkok and returned to India, however, he neither sent them to Italy nor returned their money. Thus, an FIR was registered under Section 420 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 Section 420 IPC were framed against him, to which he pleaded not guilty and claimed trial.
4. In order to bring home the guilt of the accused, the prosecution examined as many as 8 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. In defence, he examined DW-2 Navdeep Gupta.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioner as noticed above, which was further affirmed by the learned appellate Court.

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 him to the period already undergone, it being 1 year, 11 months & 30 days; aged, being 70 years; suffering from old-age ailments; first offender; 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 2007.

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 his non-involvement 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, the complainants have specifically named the accused-petitioner who, in his cross examination, admitted the visit of the complainants and arranging their meeting with some other travel agent of Delhi. On going through the evidence on record, the prosecution has proved the case against him and clearly shown his involvement in the alleged fraud. 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. Regarding the prayer of the learned counsel that in view of the aforestated mitigating circumstances, the sentence of the petitioner may be reduced to the period already undergone, it is apposite to make a reference to the judgment of Hon'ble the Supreme Court in **Krishna Prasad vs. State of Bihar**, Crl. Appeal No.1302-2014, decided on 20.02.2025, wherein the sentence awarded under Sections 418, 420 and 120B IPC, to the 79 and 85 year old appellants, were reduced to 2½ months and 15 days respectively, as undergone by them, considering their age, the fact that the offence was of the year 1987 and the absence of any monetary loss, on account of the amount having been re-deposited, as is the fact in the case at hand. 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, Hon'ble the Supreme Court while observing that he was 70 years old, undergoing treatment, had paid the fine amount and the matter was lingering for 3 decades, reduced his sentence to the period already undergone.

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 **Naresh Chaubey vs. Central Bureau of Investigation Through Gyanendra P.D. Singh**, 2018(1) SCC(Cri.) 293, by taking into consideration that

he was aged 75 years and suffering from several ailments, the sentence of the appellant was reduced to undergone, for conviction under Sections 420, 471 read with 465 IPC. In a similar vein, Hon'ble the Supreme Court in **Ghanshyam vs. State of Maharashtra**, 2012 AIR (SC) (Cri) 1212, reduced the sentence of the appellant, convicted under Section 420 and 471 IPC, to the period undergone by him, in light of the fact that the entire amount stood deposited and the incident took place 23 years ago.

14. This Court in **Jaggar Singh and another vs. State of Punjab**, CRR-1306-2009, decided on 15.05.2023, reduced the substantive sentence awarded to the petitioners therein, who were convicted under Sections 420, 465, 467, 471 IPC for RI of 3 and 2 years respectively, to the extent of period already undergone, while observing that the offence was committed in 1999 and they had maintained good-conduct since then. 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; first time offender; no antecedents, took a lenient view furthering the cause of justice and reduced the sentence to the period already undergone.

15. 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 the period undergone, considering the mitigating circumstances and the fact they were facing the pangs of protracted trial for the last about 20 years.

16. Keeping in view the mitigating circumstances as brought out by the learned counsel, it would serve the ends of justice to reduce the sentence of the petitioner to the period already undergone, however, keeping the fine intact.

17. Accordingly, the order of sentence dated 05.02.2013 is modified to the aforesaid extent and as such, the present petition stands partly allowed.

17.02.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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