

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

771

2026.PHHC.066157



CRR-1519-2018 (O&M)
Date of Decision: 29.04.2026.

MANJIT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. A.P.S. Chhibber, Advocate, and
Mr. Abhishek Malhotra, Advocate,
(through video conference)
for the petitioner.

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

VINOD S. BHARDWAJ, J.(Oral)

The present criminal revision petition has been preferred against the judgment of conviction and order of sentence dated 10.09.2011 passed by the Chief Judicial Magistrate, Mansa, in case bearing Police Challan No.64 dated 09.03.2004, arising out of FIR bearing No.223 dated 06.12.2002, under Sections 420, 465, 467, 471 and 120-B of the Indian Penal Code, 1860,

registered at Police Station City Mansa, District Mansa, whereby the revisionist-petitioner had been convicted and sentenced as under:-

Accused	Offence under Section	Sentence
Manjit Singh	120-B IPC	Rigorous imprisonment for three years and to pay a fine of Rs.2000/- and in default of payment of fine, convict shall further undergo rigorous imprisonment for one month.
	467 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.2000/- and in default of payment of fine, convict shall further undergo rigorous imprisonment for one month.
	468 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.2000/- and in default of payment of fine, convict shall further undergo rigorous imprisonment for one month.

All the sentences were ordered to run concurrently.

A further challenge is also made to the judgment dated 09.01.2018 passed by the Additional Sessions Judge, Mansa, in criminal appeal bearing No.106 dated 04.10.2011, vide which the appeal filed by the petitioner has been dismissed.

In brief, the facts of the prosecution case are that a letter dated 02.09.2002 was addressed to the SSP, Mansa, by the District Education Officer (Primary), Mansa, to register a criminal case against Parkash Singh son of Gurdial Singh, resident of village Meerpur Kalan. It was submitted in

the said letter that Parkash Singh had been appointed as a JBT Teacher as per the order dated 26.12.2001 of their office. The verification of the certificates of B.A/B.Ed. was got done from Bundelkhand University, Jhansi vide letter dated 22.05.2002. As per the letter dated 31.05.2002 of the University, the certificates of B.A/B.Ed, of Parkash Singh, was found to be forged and fabricated. The said employee was terminated vide their office letter dated 08.08.2002. Deputy Commissioner, Mansa, was requested to get the criminal case registered against the accused vide their office letter dated 07.06.2002. Deputy Commissioner, Mansa had written vide his office letter dated 11.08.2002 that, as per the opinion of the District Attorney, a case under Sections 420, 465, 467, 471 and 120-B of the IPC be got registered against the accused persons. On receipt of the above-said letter in the office of SSP, Mansa, the opinion of DDA (Legal) was obtained by SSP, Mansa, and on the opinion of DDA (Legal), the case was registered against the accused Parkash Singh vide FIR No. 223 of 06.12.2002. Thereafter, the investigation of this case was conducted by SI Sher Singh. During the investigation, the certificates sent by Sh.B.K.Sinha, Registrar and other records sent by the District Education Officer were verified. The statements of the witnesses were recorded. The accused Parkash Singh was arrested in this case. During interrogation, Parkash Singh admitted that he had received the certificates of B.A/B.Ed. from Manjit Singh son of Nirbhey Singh, resident of H.No.1201, Khalsa Mohalla, Patiala. Thereafter, the petitioner Manjit Singh was arrested in this case. During interrogation, Manjit Singh disclosed that he had given the abovesaid certificates to Parkash Singh after receiving them from Mukesh

Kumar son of Munna Lal, resident of Rajput Nagar, Shivaji Colony, Jhansi (U.P). Thereafter, efforts were made to arrest the accused Mukesh Kumar, but he could not be arrested and was declared a proclaimed offender by the Court. Some part of the investigation was conducted by ASI Gurtej Singh. After completion of the investigation, the challan was presented in the Court against the accused persons.

On the appearance of the accused in the Court, copies of the challan were supplied to the accused free of costs as envisaged under Section 207 of the Cr.P.C. Finding a prima-facie case, charges under Sections 467, 468, 471 and 120-B of the IPC were framed against the accused, to which they pleaded not guilty and claimed a trial.

In order to prove its case, the prosecution examined Satpal, Clerk, DEO (Secondary) Office, Mansa as PW-1; Ram Badai Yadav, Clerk, Bundelkhand University, Jhansi as PW-2; Palwinder Singh retired DEO as PW-3; SI Sher Singh (Retired) as PW-4; Amritpal as PW-5; Hardip Singh as PW-6; ASI Gurtej Singh (Retired) as PW-7; Ashwani Kumar, Clerk, Punjab School Education Board as PW-8; Maya Shankar, Section Officer, F.D.S Bundelkhand as PW-9 and, thereafter, the evidence of the prosecution was closed by order of the Court.

In their statements recorded under Section 313 of the Cr.P.C., all the incriminating evidence against the accused was put to them, which they denied and pleaded innocence. However, no evidence was led in defence.

After considering the arguments advanced, the testimonies of witnesses, and the evidence placed on record, the Trial Court, vide judgment

dated 10.09.2011, convicted the accused and sentenced them vide order of even date.

Aggrieved by the aforesaid judgment of conviction and sentence, the accused preferred Criminal Appeals before the Court of the learned Additional Sessions Judge, Mansa. However, vide judgment dated 09.01.2018, while Parkash Singh's appeal was allowed, the petitioner's appeal was dismissed, thereby affirming the latter's conviction and sentence. Hence, the present revision petition.

After arguing the matter at some length, counsel for the petitioner does not press the present revision petition on merits and confines his challenge only to 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 September 2002, and almost twenty-four years have elapsed since then. As per the judgment of the trial Court dated 10.09.2011, the petitioner was aged 52 years, and as per the judgment of the appellate Court dated 09.01.2018, the petitioner is aged 58 years, meaning thereby, the petitioner might be aged 66 years as of today.
- (ii) 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.
- (iii) That the petitioner is not the beneficiary of the said

incident.

- (iv) The petitioner has undergone an actual sentence of 01 year, 04 months and 02 days out of the maximum sentence of three years awarded by the trial Court, as affirmed by the appellate Court, as is reflected from the order dated 03.12.2018 ordering suspension of sentence of the petitioner, passed by this Court during the pendency of the present petition.
- (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 twenty-four years. He was in his early forties at the time of the incident and is now nearly 66 years of age.
- (vii) The petitioner is the sole earning member of his family. His children are now at crucial stages of career. Directing the petitioner to undergo his remaining sentence would have devastating consequences for the family.

State counsel, on the other hand, contends that both the Courts have examined the evidence brought on record and concurrently recorded a finding of conviction against the petitioner. He submits that no illegality or perversity has been pointed out by the counsel for the petitioner; hence, no

occasion would call for upsetting the findings recorded or the sentence awarded and affirmed by the Courts.

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

The Hon'ble Supreme Court has laid down certain principles to govern the Courts in the matter of sentencing. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in the matter of **State of Punjab Vs. Prem Sagar & Ors (2008) 7 SCC 550.** The relevant extract of the said judgment is reproduced hereinbelow: -

5. 'Whether the Court while awarding a sentence would take recourse to the principle of deterrence or reform or invoke the doctrine of proportionality, would no doubt depend upon the facts and circumstances of each case. While doing so, however, the nature of the offence said to have been committed by the appellant plays an important role. The offences which affect public health must be dealt with severely. For the said purpose, the courts must notice the object for enacting Article 47 of the Constitution of India.

6. There are certain offences which touch our social fabric. We must remind ourselves that even while introducing the doctrine of plea bargaining in the Code of Criminal Procedure, certain types of offences had been kept out of the purview thereof. While imposing sentences, the said principles should be borne in mind.

7. *A sentence is a judgment on conviction of a crime. It is resorted to after a person is convicted of the offence. It is the ultimate goal of any justice-delivery system. Parliament, however, in providing for a hearing on sentence, as would appear from sub-section (2) of Section 235, sub-section (2) of Section 248, Section 325 as also Sections 360 and 361 of the Code of Criminal Procedure, has laid down certain principles. The said provisions lay down the principle that the court in awarding the sentence must take into consideration a large number of relevant factors; sociological backdrop of the appellant being one of them.*

8. *Although a wide discretion has been conferred upon the court, the same must be exercised judiciously. It would depend upon the circumstances in which the crime has been committed and his mental state. Age of the appellant is also relevant.*

9. *What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine.*

10. *In Dhananjay Chatterjee Alias Dhana v. State of W.B. [(1994) 2 SCC 220], this Court held:*

"15...Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime..."

11. Gentela Vijayavardhan Rao and Another v. State of A.P. [(1996) 6 SCC 241], following Dhananjay Chatterjee (supra), states the principles of deterrence and retribution but the same cannot be categorized as right or wrong. So much depends upon the belief of the judges.

12. In a recent decision in Shailesh Jasvantbhai and Another v. State of Gujarat and Others [(2006) 2 SCC 359], this Court opined:

"7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of 'order' should meet the challenges confronting the society. Friedman in his Law in Changing Society stated that: "State of criminal law continues to be--as it should be--a decisive reflection of social consciousness of society." Therefore, in operating the

sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the appellant, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

*Relying upon the decision of this Court in *Sevaka Perumal v. State of T.N.* [(1991) 3 SCC 471], this Court furthermore held that it was the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc.*

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18. Don M. Gottfredson in his essay on "Sentencing Guidelines" in "Sentencing by Hyman Gross and Andrew von Hirsch" opines:

"It is a common claim in the literature of criminal justice and indeed in the popular press that there is considerable "disparity" in sentencing. The word "disparity" has become a prerogative and the concept of "sentencing disparity" now carries with it the connotation of biased or insidious practices on the part of the judges. This is unfortunate in that much otherwise valid criticism has failed to separate justified variation from the unjustified variation referred to as disparity. The phrase "unwarranted disparity" may be preferred; not all sentencing variation should be considered unwarranted or

disparate. Much of it properly reflects varying degrees of seriousness in the offense and/or varying characteristics of the offender. Dispositional variation that is based upon permissible, rationally relevant and understandably distinctive characteristics of the offender and of the offense may be wholly justified, beneficial and proper, so long as the variable qualities are carefully monitored for consistency and desirability over time. Moreover, since no two offenses or offenders are identical, the labeling of variation as disparity necessarily involves a value judgment- that is, disparity to one person may be simply justified variation to another. It is only when such variation takes the form of differing sentences for similar offenders committing similar offenses that it can be considered disparate."

[Emphasis supplied]

The learned author further opines:

"In many jurisdictions, judicial discretion is nearly unlimited as to whether or not to incarcerate an individual; and bound only by statutory maxima, leaving a broad range of discretion, as to the length of sentence."

19. Kevin R. Reitz in Encyclopedia of Crime and Justice, Second edition "Sentencing guidelines" states:

"All guideline jurisdictions have found it necessary to create rules that identify the factual issues at sentencing that must be resolved under the guidelines, those that are potentially relevant to a sentencing decision, and those viewed as forbidden considerations that may not be taken into account by sentencing courts. One heated controversy, addressed differently across jurisdictions, is

whether the guideline sentence should be based exclusively on crimes for which offenders have been convicted ("conviction offenses"), or whether a guideline sentence should also reflect additional alleged criminal conduct for which formal convictions have not been obtained ("non-conviction offenses").

Another difficult issue of fact-finding at sentence for guideline designers has been the degree to which trial judges should be permitted to consider the personal characteristics of offenders as mitigating factors when imposing sentence. For example: Is the defendant a single parent with young children at home? Is the defendant a drug addict but a good candidate for drug treatment? Has the defendant struggled to overcome conditions of economic, social or educational deprivation prior to the offense? Was the defendant's criminal behavior explicable in part by youth, inexperience, or an unformed ability to resist peer pressure? Most guideline states, once again including all jurisdictions with voluntary guidelines, allow trial courts latitude to sentence outside of the guideline ranges based on the Judge's assessment of such offender characteristics. Some states, fearing that race or class disparities might be exacerbated by unguided consideration of such factors, have placed limits on the list of eligible concerns. (However, such factors may indirectly affect the sentence, since judges are permitted to base departures on the offender's particular 'amenability' to probation (Frase, 1997).)"

20. Andrew von Hirsch and Nils Jareborg have divided the process of determining sentence into stages of determining proportionality while determining a sentence, namely:

- 1. What interests are violated or threatened by the standard case of the crime- physical integrity, material support and amenity, freedom from humiliation, privacy and autonomy.*
- 2. Effect of violating those interests on the living standards of a typical victim- minimum well-being, adequate well-being, significant enhancement*
- 3. Culpability of the offender*
- 4. Remoteness of the actual harm as seen by a reasonable man.'*

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.

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.

I find that the prolonged incarceration, the 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 reformative tendency shown by the appellant by not indulging in any other offence, the

age of the appellant at the time of the incident, as well as the legal principles reproduced above, are sufficient mitigating circumstances.

Consequently, the judgment of conviction dated 10.09.2011 passed by the Chief Judicial Magistrate, Mansa, as well as the judgment dated 09.01.2018 passed by the Additional Sessions Judge, Mansa, in criminal appeal bearing No.106 dated 04.10.2011, are affirmed. However, the order of sentence dated 10.09.2011 is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him.

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

April 29, 2026.
raaj arora

(VINOD S. BHARDWAJ)
JUDGE

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