

2025:PHHC:122301



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

204

CRR-3099-2010

Date of Decision: 08.09.2025

BASANT SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Ankit Bhardwaj, Advocate and
Mr. B.S. Jaswal, Advocate for the appellant.

Mr. Rishab Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

Feeling aggrieved by the judgment of conviction and order of sentence dated 31.08.2006 passed by the then learned Sub Divisional Judicial Magistrate, Baba Bakala, District Amritsar in case FIR No.86 of 1998 under Sections 420, 467, 468 and 471 of IPC, registered at Police Station Beas, as well as the judgment dated 08.10.2010 passed by the then learned Addl. Sessions Judge, dismissing the appeal against the abovesaid judgment dated 31.08.2006, appellant-Basant Singh has come up before this Court by way of filing the present appeal.

The case of the prosecution is that the appellant procured a loan of Rs.40,000/- from the bank against forged and fabricated documents, for which he has been convicted and sentenced by the trial Court and his conviction and sentence has further been upheld by the learned lower Appellate Court.

Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 31.08.2006 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellant, as he has already undergone actual sentence of 05 months and 16 days out of awarded sentence of 3 years. He further prays that since FIR in question pertains to the year 1998, a lenient view may be taken while passing an order on quantum by this Court. He further submits that the entire loan, which the appellant had taken from the Bank, has already been repaid.

On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate and submits that both the Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record. However, he does not refute the fact that the appellant is not involved in any other case and the entire loan of the Bank stands repaid.

I have heard learned counsel for the parties and have gone through the material placed on record.

The appellant has been convicted and sentenced for having committed cheating and forgery in respect of a Backward Class Certificate and using the same as genuine for procuring a loan from the bank attracting the offences punishable under Sections 420, 467, 468 and 471 of IPC for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 1998 and he has already faced the rigors of the prosecution for more than two and a half decades.

Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure that the sentence is neither excessively harsh nor does it come across as lenient.

Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP***, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

A perusal of the judgments of both the Courts below indicates no illegality or perversity in its findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the

appellant has not assailed the judgment of conviction on merits, rather restricted his prayer only *qua* modification in the order on quantum of sentence to that of the sentence already undergone by the appellant.

As far as the question of quantum of sentence is concerned, it is worthwhile to note that the incident in this case pertains to the year 1998. The right to speedy and expeditious trial is one of the most valuable and cherished rights of an accused guaranteed under the Constitution. The appellant has already suffered the agony of protracted trial/prosecution, spanning over a period of more than 25 years and has been in the corridors of the Court for this prolonged period. He remained incarcerated for 05 months and 16 days excluding remissions. He has been living peacefully for the last two and a half decades as no report contrary to that has been received. In view of the facts noted above, the case of the appellant deserves to be dealt with leniency. The appellant also deserves the benefit of the consistent view taken by this Court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bangal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira Vs. State of Maharashtra* reported in (2012) 2 SCC 648 and considering the facts and circumstances of the case, age of appellant, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this Court is of the view that ends of justice would sufficiently be met, if sentence imposed upon the appellant is reduced to the one already undergone by him.

Accordingly, judgment of conviction dated 31.08.2006 passed by the then learned Sub Divisional Judicial Magistrate, Baba Bakala and

subsequent judgment dated 08.10.2010 passed by the learned lower Appellate Court affirming the conviction of the appellant are affirmed but the order on quantum of sentence awarded by the trial Court under Sections 420, 467, 468, 471 and 120-B of IPC is hereby modified and reduced to the period of sentence already undergone by the appellant till date which would be sufficient and justifiable to serve the interest of justice. The appellant is on bail. He need not surrender. His bail/surety bonds are discharged. However, the amount of fine is enhanced to Rs.10,000/- over and above the fine already imposed vide impugned order of sentence dated 31.08.2006.

With these modifications, the present appeal is disposed of.

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

Chief Judicial Magistrate is directed to initiate necessary proceedings for recovery of fine from the appellant.

SEPT. 08, 2025.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No