

**CRR-201-2024 (O&M)****1****265****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRR-201-2024 (O&M)
Date of Decision: 04.02.2025****SAMAAR SINGH****...Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. N.S. Gill, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. Present revision petition has been preferred by the petitioner against the judgment dated 21.12.2023 passed by learned Additional Sessions Judge, Mansa vide which judgment of conviction and order on quantum of sentence dated 27.07.2018 passed by learned Chief Judicial Magistrate, Mansa, have been upheld, vide which petitioner has been convicted under Sections 471, 199, 200 and 120-B of Indian Penal Code and sentenced to undergo rigorous imprisonment for two years and total fine of Rs. 2,000/- was imposed upon him with default mechanism.

2. The facts in brief are that on 25.06.2015, ASI Shamsher Singh along with policy party, was present at Court Road, Near Tehsil Office, Mansa, on private vehicle for patrolling, then he received a secret information that Sunil Kumar, Kavita Sharma wife of Goldy along with other persons have been preparing false Jamabandies in their names, in lieu of money from the accused in criminal cases, and used to give their sureties in various Courts. It was alleged that they changed their addresses on every jamabandi and, thus, are committing



fraud with the Courts. The informer further informed that on that day, he saw them, while roaming near the Courts and, thus, if the raid is conducted, they can be apprehended. On the basis thereof, FIR No. 43 dated 25.06.2015 came to be registered at Police Station City-II, Mansa, on the ground that accused persons including the present petitioner furnished fake bail bonds, surety bonds and forged Jamabandies in various cases and got the accused released from the jail on basis of those fake documents.

3. Learned trial Court after assessing the material on record convicted the petitioner along with co-accused under Sections 471, 199, 200 and 120-B of Indian Penal Code and sentenced him to undergo rigorous imprisonment for two years along and fine of Rs. 2,000/- was imposed upon him with default mechanism. Appeal filed against the said judgment of conviction and order of sentence was dismissed by learned Lower Appellate Court.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 21.12.2023 passed by learned Additional Sessions Judge, Mansa on merits and restricts his prayer to modification of the order on quantum of sentence dated 27.07.2018 to that of sentence already undergone by the petitioner as he has already undergone a period of 01 year and 06 days out of total sentence of two years awarded to him and he is not involved in any other case.

5. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by the learned lower Appellate Court and as such, he does not deserve any leniency. However, he could not controvert the fact that petitioner is not involved in any other case.



6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In **Deo Narain Mandal v. State State of UP (2004) 7 SCC 257**, a three Judge bench of the Hon'ble Supreme Court has opined 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, 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 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 v. State of AP AIR 2017 SC 1166**, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on



merits, rather he has restricted his prayer only qua modification of quantum of sentence.

9. Perusal of record indicates that FIR(supra) was registered in the year 2015 and the petitioner has been suffering the agony of trial since the last 09 years. As per the custody certificate, the petitioner has undergone total sentence of 01 year and 06 days, out of rigorous sentence of two years awarded to him and he is not involved in any other case.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of in the following terms:-

(i) The judgment dated 21.12.2023 passed by the learned Additional Sessions Judge, Mansa upholding the judgment of conviction dated 27.07.2018 passed by learned Chief Judicial Magistrate, Mansa is upheld, however, the order of sentence dated 27.07.2018 is modified to the extent that the sentence of rigorous imprisonment for two years awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) Fine of Rs. 2,000/- imposed upon the petitioner is enhanced to Rs. 5,000/-. The petitioner is directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo simple imprisonment for one month.



CRR-201-2024 (O&M)

5

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

(HARPREET SINGH BRAR)
JUDGE

04.02.2025

Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>