

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

(317)

**CRR No.1349 of 2006
Decided on: August 19, 2015.**

Surinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: None for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioner has been convicted by the Courts below for offence under Sections 468 and 471 IPC. He was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.300/- for each offence and in default of payment of fine to further undergo rigorous imprisonment for one month. The lower Appellate Court has granted probation to the petitioner for a period of two years under Section 4 (3) of Probation of Offenders Act vide impugned order.

Briefly stated, allegations against the petitioner are that he was selected as a Constable in Punjab Police at Ropar on 16.08.1996. A complaint was received against the petitioner that he had produced a false and fabricated certificate of 8th class for his appointment as a Constable in Punjab Police and on verification the said certificate produced by him was found fabricated. It was found that he never got admission in the Government High School Ramgarh Jawande, District Sangrur. Thereafter, he was dismissed from the service.

The Appellate Court has taken into consideration the following circumstances to grant benefit of probation to the petitioner:-

- (1) He was appointed as a Constable in place of his brother who died during his service, claiming the forged certificate to be genuine.
- (2) Brother of the petitioner Balbir Singh had died on duty with a Minister as gunman in a road accident as such he was taken in the service on the basis of document which were not to the notice of the petitioner.
- (3) The petitioner had a family consisting of wife and two children and the petitioner deserved leniency.

Taking into consideration the above circumstances, the relief of probation granted to the petitioner appear to be quite enough but so far as the claim of the petitioner that he deserves to be acquitted does not appear to be reasonable, as in the exercise of revisional jurisdiction, re-appreciation of evidence of the Courts below, would not be a judicial propriety.

This petition is dismissed. However, it is observed that the order of probation would not be a disqualification for the petitioner in any manner as per provisions of Section 12 of the Probation of Offenders Act, 1958 which provides that a person found guilty of an offence and dealt with under the provisions of Sections 3 and 4 of the Probation of Offenders Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(M.M.S. BEDI)
JUDGE

August 19, 2015
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