

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

**CRR No.1770 of 2006(O&M)
Date of decision : 14.08.2015**

Jaswant Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mansur Ali, Advocate for the petitioner.

Mr. A.P.S.Gill, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged his concurrent conviction under Sections 420/468/471 IPC whereby he was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 200/- under each of the offences. In default of payment of fine he was sentenced to further undergo imprisonment rigorous imprisonment for one month under each of the offences.

The petitioner joined at Khanna under the purported transfer order and worked for a little more than 1 year as Lower Division Clerk. It transpired later on that he had never been appointed by the board. He was thereafter tried for having forged the transfer order and having been convicted and sentenced to 2 years

imprisonment, is before this Court.

Learned counsel for the petitioner has argued that the person whose signatures were purported to have been forged was never produced nor was any handwriting expert produced to compare the handwriting of the petitioner to prove that it was the petitioner who had forged the signatures. He has relied upon **Budh Ram v. State of Haryana** reported as 2010(2) RCR(Criminal) 352. In that case certain persons were alleged to have impersonated some other persons and had got sale deeds executed. Neither the original sale deeds were placed on record nor the persons who were impersonated were produced. It was in that context that this Court held that their presence was necessary. Learned AAG, on the other hand has argued that once it was proved that the petitioner had never been appointed by the board it was clear that the order of transfer was a fake order and in these circumstances the judgment in Bodh Ram's case(supra) would not be applicable.

In my opinion the arguments of learned AAG carry more weight. Once the petitioner is not in a position to dispute that he had never been appointed by the board this itself is evident that the transfer order was fake and the fact that there was no handwriting expert to compare the handwriting of the petitioner and the forged signatures would not disprove the fact that the purported transfer order was a fake and forged document. Consequently the conviction of the petitioner cannot be interfered with.

The second argument of learned counsel for the petitioner is that the petitioner has now faced this ordeal for almost one and a half decades and on this score he has prayed for reduction in the sentence. There is some merit in this argument.

In these circumstances even while dismissing this petition the sentence of the petitioner is reduced to six months. Let him be arrested to serve out the remaining period of his sentence.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

August 14 , 2015
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