

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

CRR-2669-2010

Date of decision :26.09.2017

Gurjant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present : Mr. J.S. Mehendiratta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

H.S. MADAAN, J.

This revision petition is directed against the judgment dated 16.09.2010 passed by the Court of Additional Sessions Judge, Faridkot vide which the conviction and sentence recorded against the petitioner – convict / Gurjant Singh for offence under Section 419 IPC by Additional Chief Judicial Magistrate, Faridkot has been upheld.

Accused – Gurjant Singh was convicted for offence under Section 419 IPC and was sentenced to under rigorous imprisonment for three years and to pay a fine of ₹5,000/- and in default thereof to further undergo imprisonment for three months.

The revision – petitioner submits that this petition be accepted and the impugned judgment passed by Additional Sessions Judge, Faridkot be set aside, resultantly he be acquitted of the charge framed against him.

Briefly stated the facts of the case as per prosecution version are that Additional Director General of Police, Punjab Armed Police, Jalandhar Cantt. had addressed a letter dated 23.06.2003 to Senior Superintendent of Police, Faridkot, for verification of character and antecedents of Gurjant Singh son of Kaur Singh resident of village Kothe Waring, District Faridkot (present petitioner) enlisted as Constable in Punjab Armed Police at REGTL No.3-IRB/471 on 19.03.1998; that prior to enlistment his character report was sent by Senior Superintendent of Police, Faridkot, the then SHO, Police Station City Kotkapura had verified his character and antecedents reporting that nothing adverse against him was found; that a complaint was received against the official and an enquiry was conducted which revealed that one Harbhajan Singh son of Kaur Singh resident of Village Kothe Waring, District Faridkot had succeeded in getting appointment as Constable in the Police Department under false name of Gurjant Singh by getting duplicate certificate of Matriculation of Gurjant Singh son of Kaur Singh resident of village Tallewal, District Sangrur; that Gurjant Singh was allowed to join duty in the PAP in the year 1998 on receipt of false verification report made by the then SHO Police Station City Kotkapura; that the SSP, Faridkot was asked to take suitable action against the officials of Police Station city Kotkapura for sending a false verification report; that on receipt of letter, an enquiry was got conducted by Jagir Lal, DSP, Kotkapura who had recorded statements of various witnesses including that of Harbhajan Singh son of Kaur Singh resident of

village Kothe Waring, who had passed 6th class in the year 1984-85 vide roll No.8 and admission No.198 dated 07.05.1984, then he passed 7th class in the year 1985-86 vide roll No.10 and admission No.198, but due to continuous absence, his name was struck off on 15.04.1986, he obtained his certificate and left the school, but thereafter he again got admission in 8th class vide roll No.8, admission No.246 dated 03.04.1987; that he passed 8th class in the year 1987-88 on 30.03.1988 and 8th class certificate was issued to him on 09.04.1988; that as per statement of Kuldip Singh Sarpanch and Kartar Singh Watchman of village Kothe Waring, Kotkapura, vide No.148 at page No.2 house No.29 is in the name of Gurjant Singh son of Kaur Singh, in the voter list for the year 1988 he is known as Neela Singh; that he is known as Gurjant Singh since the joining in the police department; that he joined SPO under the name of Gurjant Singh; that he studied upto 8th class in school of the village; that SI Mukhtiar Singh SHO, Police Station Mallanwala, District Ferozepur stated that in the year 1998 he was posted as SHO of Police Station City Kotkapura and an order was received from the office of SSP, Faridkot for verification of Gurjant Singh son of Kaur Singh resident of village Kothe Waring for his joining in the police department; that the verification was got conducted from ASI Bachan Singh from Kuldip Singh Sarpanch of village Waring, MHC Jagdish Singh reported that police record is silent against him, then forms were completed and report was sent; that Gurjant Singh was already serving as SPO since the year 1992 at that time also verification was done by ASI Mangal Singh of Police Station city Kotkapura on 15.12.1992 from Karnail Singh member Panchayat of village Kothe Waring; that when he joined as Constable in the

year 1998, the verification was done again by ASI Bachan Singh from Kuldip Singh Sarpanch of village Kothe Waring. On the basis of this verification report prepared by SHO Mukhtiar Singh forms were sent; that as per school record name of Gurjant Singh is Harbhajan Singh; that he had forged a certificate in the name of Gurjant Singh and wrongly joined as SPO and then as Constable in the Punjab Police; that it was so done on the basis of wrong verification by Karnail Singh Member Panchayat, the police officials had conducted verification on the basis of information given by Member Panchayat, Numberdar or Sarpanch; that it was found that no police official is guilty and actually the offence has been committed by Gurjant Singh @ Harbahajan Singh, who joined the police under false name and by using false certificate; that Karnail Singh Member Panchayat Kothe Waring was also found guilty.

After receipt of the inquiry report, opinion of the Deputy District Attorney (Legal) was obtained and thereafter case was sent before SSP, Faridkot, who directed SHO Police Station City Kotkapura for registration of case against the accused. Formal FIR was registered, the matter was investigated, accused was arrested in this case on 14.09.2007. Karnail Singh and Kuldip Singh were found innocent. The investigation was verified by DSP Kotakapura. Statements of witnesses were recorded. After completion of necessary investigation challan against the accused / appellant was presented in the Court on 29.01.2004 for offences punishable under Sections 419, 465, 468, 471, 120-B IPC.

On presentation of the challan, copies of documents were supplied to the accused free of cost as proved under Section 207 Cr.P.C.

Thereafter finding a prima facie case against the accused, he was

charge-sheeted for offences under Sectiond 419, 465, 468, 471 IPC to which he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined PW-1 Kartar Singh Watchman, PW-2 Darshan Singh Teacher, PW-3 ASI Satya Parkash, who conducted the investigation in this case, PW-4 SI Mukhtiar Singh who proved verification report, PW-5 ASI Kulwant Singh PW-6 Jagir Lal, retired DSP, who proved enquiry report Ex.PG and thereafter prosecution evidence was closed.

Statement of accused under Section 313 Cr.P.C. was recorded in which all the incriminating circumstances appeared against the accused were put, who denied the same and pleaded false implication. He further stated that he did not produce any forged or tampered certificate. The case has been registered against him due to party faction and he was not heard during preliminary inquiry.

In defence he examined DW-1 Ram Lok, Senior Manager, Punjab School Education Board, who proved documents Ex.DA, DW-2 Harbans Singh Numberdar. Petitioner - accused Gurjant Singh also stepped into the witness box as DW-3 and proved documents Ex.DC, Ex.DH and Ex.DHA.

After hearing arguments, the trial Magistrate convicted accused for offence punishable under Section 419 IPC and sentenced him as mentioned supra.

Feeling aggrieved, petitioner – convict had filed appeal in the Court of Sessions which was assigned to Additional Sessions Judge, Faridkot, who vide judgment dated 16.09.2010 upheld the judgment of conviction and sentence passed by the trial Magistrate.

I have heard learned counsel or the parties, besides, going

through the record and I find that there is no illegality or infirmity with the impugned judgment. Learned Additional Sessions Judge, Faridkot was justified in dismissing the appeal against the judgment passed by the trial Magistrate. Though accused had been sent up to face trial by the police of Police Station Kotkapura to face trial for offences under Sections 419, 465, 468, 471, 120-B IPC but the trial Magistrate after detailed discussion concluded that charge for only offence under Section 419 IPC was proved against the accused whereas it was not so as regards the remaining offences i.e. Sections 465, 468, 471, 120-B IPC. The trial Magistrate had given sound reasoning for the same while critically analyzing the evidence adduced by the prosecution and defence. As per the prosecution version, actual name of accused is Harbhajan Singh with his father's name Kaur Singh and residential address of village Kothe Waring but while getting enrolled as SPO in Punjab Police in the year 1992 and subsequently as Constable in the said Department in the year 1998 he had given his name as Gurjant Singh son of Kaur Singh resident of Kothe Waring. He had attached certificate bearing name of Gurjant Singh son of Kaur Singh of village Tallewal, District Sangrur. As a matter of fact on receipt of complaint an enquiry was conducted by Additional Director General of Police which revealed that Harbhajan Singh son of Kaur Singh has succeeded in getting appointment in Police Department wrongly giving his name as Gurjant Singh procuring duplicate matriculation certificate of Gurjant Singh son of Kaur Singh resident of village Tallewal, District Sangrur. Senior Superintendent of Police, Faridkot had been directed to take action against erring officials who had sent a wrong verification report.

PW-6 Jagir Singh retired DSP Jalalabad had conducted an

inquiry in the matter, in which he recorded statement of Kuldeep Singh Sarpanch, Darshan Singh Science Teacher Government Middle School at Kothe Waring, Kartar Singh watchman, ASI Mukhtiar Singh reaching an inference that accused had got employment in the police department under assumed name of Gurjant Singh on the basis of forged certificate. Such report being Ex.PG. On receipt of this report after obtaining legal opinion formal FIR had been recorded. The case of the prosecution is corroborated by testimony of PW-2 Darshan Singh, who deposed that on 08.7.2003 he was posted as Science Teacher in Government Middle School at Kothe Warring. On that day DSP Kotkapura had come to their school and Harbahajan Singh son of Kaur Singh resident of Kothe Warring, admission No.198 dated 09.04.1984 has passed the sixth class vide roll No.8 in the year 1984-85. This witness had brought the original admission register and attendance register and stated that as per admission No.198 and under roll No.10, the accused passed the seventh class in 1985-86, upon which he took admission in eight class on 01.04.1986; that on dated 15.04.1986 due to continuous absence his name was struck down and on the same date, as per this record he had taken his certificate. This witness further deposed that later on, on dated 03.04.1987 under admission No.246 and under roll No.10, the accused again got admission in 8th standard and passed 8th class on 30.03.1988. That means Harbahajan Singh son of Kaur Singh resident of Kothe Warring had studied upto 8th class in Government Middle School at Kothe Warring and on 09.04.1988, his 8th certificate was issued to him. There is nothing to show that he had got admission in that school or in any other school in the village in 9th or 10th class or had appeared in matriculation examination or that he was declared to be successful.

PW-1 Kartar Singh Watchman of village Kothe Waring, Kotkapura deposed that he knows the accused who is resident of his village and is known as Neela son of Kaur Singh who had studied upto 8th class in their village, again that corroborates the prosecution version. The accused had examined DW-1 Ram Lok, Senior Manager, Punjab School Education Board, Mohali who stated that Gurjant Singh son of Kaur Singh having date of birth of 25.07.1972 appeared in matriculation examination in the year of March 1990. He passed matriculation examination by getting 332 marks. He proved copy of Gazette as Ex.D1. He stated that as per Gazette Ex. DR Gurjant Singh son of Kaur Singh passed Matriculation examination in March 1990 from Punjab School Education Board i.e. from Dashmesh Public School, Bilaspur, District Faridkot. How did the accused get admission in Dashmesh Public School, Bilaspur, District Faridkot and passed matriculation examination from there has not been explained satisfactorily. Although the accused has placed on file certain documents to show his bona fide but then most of the documents were prepared after registration of the FIR. As regards the copy of ration card said to have been issued prior to institution of case on 01.02.1999 but that issued after joining police force by the accused in the year 1998, the trial Magistrate has rightly observed that ration card was issued after joining of accused in Police Department and entire defence evidence led by accused is procured one and there is no other document on record from side of accused showing that he is known as Gurjant Singh son of Kaur Singh resident of village Kothe Waring and it is so even prior to joining in Police Department and that the defence version does not seem to be probable one.

The prosecution has successfully proved that Harbhajan Singh

son of Kaur Singh resident of village Kothe Waring had joined police force by impersonating Gurjant Singh son of Kaur Singh resident of village Bilaspur and to substantiate his claim, he had attached photocopy of matriculation certificate of Gurjant Singh son of Kaur Singh resident of village Bilaspur. The prosecution has successfully proved the charge as regards offence under Section 419 IPC against the accused. The learned trial Magistrate was justified in convicting the accused for said offence and sentencing him accordingly. The Additional Sessions Judge, Faridkot also justified in upholding the judgment passed by trial Magistrate as regards conviction and sentence part. There is no illegality or infirmity in the judgment passed by Courts below much less apparent on the face of it. The judgments are certainly not perverse and have been passed in the light of settled principles for deciding criminal cases. The impugned judgment is upheld as regards conviction and sentence part. There is no merit in the revision petition and it stands dismissed.

Order dated 04.05.2011 granting interim bail to the petitioner stands withdrawn. C.J.M. Faridkot is directed to get necessary warrant of arrest issued against the petitioner so as to taken him into custody to make him undergo the remaining sentence.

26.09.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**