

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

CRR No.4766 of 2017(O&M)

Date of Decision: 30.05.2018

Ranjit Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Barrister Rubal, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

CRM-20244 of 2018

The instant application has been filed under Section 482 Cr.P.C. for placing on record the copy of order dated 15.09.2010 passed by Superintendent of Police, Ambala as Annexure P-2 and seeking exemption from filing the certified copy of the same.

For the reasons enumerated in the application, the same is allowed and the document Annexure P-2 is taken on record subject to all just exceptions. Registry to tag the same at appropriate place.

CRM stands disposed off.

CRR-4766 of 2017

The present petition has been filed against the impugned judgement dated 22.11.2017 passed by learned Additional Sessions Judge, Ambala, whereby the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 26.02.2016 and

29.02.2016, respectively, under Sections 420, 465, 468 and 471 of the Indian Penal Code (for short 'the IPC') passed by learned Judicial Magistrate First Class, Ambala has been dismissed.

At the outset, learned Senior counsel stated that he does not want to challenge the conviction of the petitioner, but will confine his prayer only to the quantum of sentence which he has already undergone.

The prime argument raised is that the petitioner is suffering from severe psychiatric illness for the last nine years and undergoing regular treatment as he has been diagnosed a case of "Bipolar Disorder" by the Civil Hospital, Ambala City. The second argument is that on account of the registration of the FIR as well as disciplinary proceedings, he has been dismissed from the service also by the competent authority vide order dated 15.09.2010 (P-2) and that order has become final and thus he has suffered a lot.

The above factual position regarding dismissal of the petitioner from service is duly acknowledged by learned State counsel.

Brief facts of the case are that an FIR No. 285 dated 10.12.2009 was registered against the present petitioner as well as one Krishan Lal on the complaint given by one Randhir Singh in the office of Superintendent of Police, Ambala by alleging that EASI Ranjit Singh has obtained job in the police department on 13.10.1985 while producing a forged and fabricated Matriculation Certificate issued by Board of Secondary Education, Rajasthan, Ajmer (for short 'the

Education Board'). It was further alleged that as a matter of fact, the said Certificate was issued by the Education Board in the name of Dinesh Kumar Sharma s/o Sagar Mal Sharma and there is no record that the present petitioner has ever appeared in the matriculation examination in the year, 1980, therefore, the petitioner obtained the job in the police department on the basis of forged and fabricated Certificate on the post of Constable. The police investigated the matter in usual course and submitted report under Section 173 Cr.P.C. against both the accused. The learned Trial Court charge-sheeted the petitioner under Sections 420, 467, 468, 471 and 120-B of IPC, whereas the co-accused-Krishan Lal was charge-sheeted under Section 218 and 120-B of IPC. After taking into consideration the material available on record learned trial Court ultimately convicted the petitioner under Sections 420, 465, 468 and 471 of IPC vide judgement and order dated 26.02.2016 and 29.02.2016 and sentenced for a period of three years alongwith fine of Rs.5,000/-, however, acquitted Krishan Lal by giving benefit of doubt. It is necessary to mention here that fine of Rs.5,000/- has already been paid by the petitioner.

Feeling aggrieved against the judgment and order dated 26.02.2016 and 29.02.2016 respectively, two criminal appeals were preferred; one by the present petitioner and the other by the State of Haryana against the acquittal of Krishan Lal. Both the appeals were heard together and the same were dismissed by way of a common judgment dated 22.11.2017 passed by Additional Sessions Judge,

Ambala

Since the petitioner has been facing the criminal proceedings since 10.12.2009 till dated and he had also faced the departmental proceedings also, which resulted into his dismissal from the service. Admittedly, the petitioner has lost his job as well as health and the disease with which he is suffering will deteriorate his condition.

Even the reply by way of affidavit of Sh. Lakhbir Singh, Superintendent, Central Jail Ambala also support the illness of the petitioner and paragraph 2 and 3 of the same reads as under:

'That, the petitioner was admitted in this prison on dated 22.11.2017 in compliance the order of the Ld. Court of Sh. Purushottam Kumar, Additional Sessions Judge, Ambala, As per the report of Medical Officer, Central Jail Ambala, the petitioner complains of severe psychiatric illness since last 09 years and claimed to be under regular treatment from a private Psychiatrist, Hisar for the same.

That the petitioner was referred to Psychiatrist, Civil Hospital, Ambala City for psychiatric opinion & further management on 19.12.2018 where he was diagnosed as a case of a psychiatric illness namely Bipolar Disorder (vide Civil Hospital, Ambala City OPD Slip dated 20.12.2017), for which the petitioner has been under regular treatment from Psychiatrist, Civil Hospital, Ambala City since then.'

Perusal of the paragraph 2 and 3 of the affidavit reproduced hereinabove makes it apparently clear that the petitioner is suffering from Psychiatric illness i.e. "Biopolar Disorder" as diagnosed by the Civil Hospital, Ambala City. It is an admitted fact

that on account of submitting the forged and fabricated document i.e. matriculation certificate, the petitioner has been dismissed from service and dismissal from service is a disqualification for future employment. Even as per the Punjab Police Rules, 1934 (for short 'the Rule') if a member of Police Services is dismissed from service then his name is to be published in the police Gazette, as per the Rule 11.51, therefore he has lost his reputation also in police force. The petitioner has already undergone the actual sentence of six months out of three years, therefore, in view of the facts and circumstances discussed above, there are mitigating circumstances that sentence part be modified as undergone by the petitioner. Consequently, the present petition is disposed off with the modification that the conviction of the petitioner recorded by both the learned Courts below under Sections 420, 465, 468 and 471 of IPC is upheld; whereas sentence of imprisonment is modified and reduced to that of already undergone by him.

Disposed off in the aforesaid terms.

The petitioner be released in this case, if not required in any other case.

[MAHABIR SINGH SINDHU]
JUDGE

May 30, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no