

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

366

**Criminal Revision No. 839 of 2012 (O&M)
Date of Decision : 29.11.2019**

Jasbir Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S.Tiwana, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

SUVIR SEHGAL, J.

The petitioner has filed the instant revision petition challenging the judgment dated 06.03.2012 passed by the Additional Sessions Judge, Fatehgarh Sahib whereby while upholding the conviction under Sections 170, 468 and 471 of Indian Penal Code, 1860 (for short 'IPC'), the Court set aside the conviction under Section 171 IPC and converted the conviction under Section 419 IPC into Sections 419/511 IPC.

The petitioner was involved in FIR No.24 dated 01.02.2005 under Sections 419, 170, 171, 468 and 417 IPC which was registered at Police Station Bassi Pathana, District Fatehgarh Sahib. As per the FIR, ASI-Amrik Singh, SI- Sukhwant Singh and SPO-Kewal Krishan were investigating FIR No. 23 dated 01.02.2005 under Section 61 of the Excise Act against Jasbir Singh son of Mukhtiar Singh. During

interrogation of the petitioner, he produced an identity card bearing No. 6x4274 which bore the forged signatures of Gurdeep Singh in Punjabi. The identity card was signed by the petitioner and it also had a thumb impression. A photograph of the petitioner in the uniform of Punjab Police Constable was affixed on the identity card. There was no seal of the issuing authority on the identity card. Upon being questioned, the petitioner admitted that infact he had forged the identity card to get benefit during travel and that he also used to transport liquor on the basis of the said identity card by using the same at police check post. On these basis, the above mentioned FIR was registered against the petitioner.

After investigation, the challan was presented against the petitioner and charges under Sections 419, 170, 171, 468 and 471 of IPC were framed against him to which the accused pleaded not guilty. In order to prove its case, the prosecution examined three witnesses. However, the petitioner did not examine any witness in his defence evidence.

On the basis of the evidence led by the prosecution, the trial Court convicted the petitioner and sentenced him as under:-

<i>Under Section/s</i>	<i>Conviction</i>
170 IPC	To pay fine of Rs.200/- and in default of payment of fine to go RI for 15 days.
171 IPC	To pay fine of Rs.200/- and in default of payment of fine to go RI for 15 days.
419 IPC	RI for six months.
468 IPC	To pay fine of Rs.200/- and in default of payment of fine to go RI for 15 days.
471 IPC	RI for one year.

Aggrieved by the judgment of the trial Court, the petitioner filed appeal before the Sessions Court. After re-examining the evidence, the learned Additional Sessions Judge, Fatehgarh Sahib vide judgment dated 06.03.2012 convicted him in the manner mentioned above.

Still aggrieved, the petitioner has preferred the present revision petition.

During arguments, the petitioner has laid much stress on the fact that he was an employee of the IInd Battalion, IRB Ladha Kothi, Sangrur and that he was working as a Tailor, having been appointed on 14.05.1994. He has further argued that the prosecution witnesses have failed to establish that the identity card produced by him was forged or that he had been misusing the same. Lastly in the alternative he has argued that he had been facing the agony of trial since the year 2005, therefore, the period of sentence be reduced to the period already undergone by him.

Counsel for the parties have been heard. The record has been examined with the assistance of learned counsel for the petitioner as well as the counsel for the State.

The appointment order of the petitioner bears No. 6059 dated 14.05.1999 and is on the record as Ex.PW3/A. A perusal thereof shows that he was appointed as a Tailor in the IInd Battalion, IRB, but the word "Sipahi" (Constable) mentioned on the appointment order in Gurmukhi script had been struck off. Therefore, the argument raised by counsel for the petitioner that the identity card in question had been issued to him when he was posted as Constable

with the IInd Battalion, IRB does not inspire any confidence. PW2-ASI Amrik Singh had got the identity card Ex.P-1 verified from HC-Balwinder Pal Singh, who was working as Clerk in the IInd Battalion IRB. Upon verification Balwinder Pal Singh, who appeared as PW3 before the trial Court, deposed that the identity card Ex.P-1 had not been issued by his department. He had submitted a report in this regard which is Ex.PW3/B on the record which was proved by him. As such, it is apparent that the identity card Ex.P-1 was a forged and fabricated document. Even the signature on the identity card was fake. The identity card bears the photograph of the petitioner wherein the petitioner is wearing the uniform of the Punjab Police Constable. It is therefore, clear that all this has been done by the petitioner with the intention of cheating and misusing the identity card for his personal gain.

For the reasons mentioned above, I see no reason to interfere with the well reasoned judgment passed by the Sessions Court, Fatehgarh Sahib.

However, the submission of the petitioner regarding the quantum of sentence deserves consideration. FIR was registered in the year 2005. The petitioner was convicted by the trial Court in 2011. The present revision was filed by him in 2012 and by order dated 26.03.2012, this Court suspended the sentence of the petitioner during the pendency of the revision petition. Custody certificate of the petitioner by way of affidavit dated 08.11.2019 of Sh. Gurpreet Singh, PPS Deputy Superintendent, Maximum Security Jail, Nabha has been placed on record by learned State counsel. As per the

custody certificate, the petitioner has undergone an actual sentence of 1 month and 16 days. Keeping in view the above, while upholding the conviction, the period of sentence of the petitioner is reduced to the period already undergone by him.

Accordingly, revision petition is disposed of.

29.11.2019

pooja saini

(SUVIR SEHGAL)

JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>