

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRR 2986 of 2018 (O&M)
Date of Decision: 16.02.2024

Jagpal ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. Karan Garg, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition before this Court against the impugned judgment dated 21.07.2018 passed by the Court of Additional Sessions Judge, Karnal and impugned judgment of conviction dated 29.01.2016 and the order of sentence dated 30.01.2016 passed by the Court of Additional Chief Judicial Magistrate, Karnal, whereby, the petitioner was convicted for the commission of the offences punishable under Sections 120-B, 420, 467, 468 and 471 of IPC and was sentenced as under:-

Under Section 120-B IPC Simple imprisonment for six months

Under Section 420 IPC Simple imprisonment for 03 years and to pay fine of Rs. 2,000/-. In default of payment of fine to further undergo simple imprisonment for one month.

Under Section 467 IPC Simple imprisonment for 03 years and to

pay fine of Rs. 2,000/-. In default of payment of fine to further undergo simple imprisonment for one month.

Under Section 468 IPC Simple imprisonment for 03 years and to pay fine of Rs. 2,000/-. In default of payment of fine to further undergo simple imprisonment for one month.

Under Section 471 IPC Simple imprisonment for 03 years and to pay fine of Rs. 2,000/-. In default of payment of fine to further undergo simple imprisonment for one month.

All the sentences were ordered to run concurrently.

2. At the very outset, learned counsel for the petitioner contends that the petitioner is an old man and does not wish to challenge the judgment of conviction. However, a lenient view may be taken, while awarding the sentence to him. Even though, learned counsel for the petitioner chose not to challenge the impugned judgment of conviction, still, this Court has examined the legality of the impugned judgments in the light of the evidence.

3. As per the case of the prosecution, on 22.04.2010 Sube Singh, Incharge Crime Unit-II, Karnal received a secret Information that Jagpal son of Chandia Ram resident of Village Jundla, after preparing D.O. letter on the letter pad of Shri Bhupinder Singh Hooda, the then Chief Minister, Haryana, issued D.O. letter to the head of the departments in order to transfer of the government

employees and he after forging the documents committed cheating with the general public and government officials and forged letters and other documents can be recovered from him. After considering the secret information credible, accused Jagpal was arrested and interrogated on 24.4.2010 and during interrogation, he made his disclosure statement before SI Tek Ram that he was active leader of the Congress party in the year 1990 and he remained on the post of Chairman and other post of the party and in the year 2006 Shri Bhupinder Singh Hooda the then Chief Minister, Haryana had sent a greeting card on the eve of New Year, which was bearing the signature of Chief Minister in English and government employees used to come him for their transfers and, therefore, he hatched a plan for transfer of the government employees and for that purpose, he used the greeting card of Shri Bhupinder Singh Hooda, which was sent to him in the year 2006 and for that purpose on 16.4.2010, he met Rakesh son of Purshotam Lal, owner of Purshotam Photostat, in front of old Court at Karnal and Rakesh was having a computer lab. As per his plan, Rakesh in collusion with his computer operator Sonu resident of Village Pundrak, prepared a scanned copy of the greeting card of the year 2006 of Chief Minister and he received that scanned copy and after that Rakesh and Sonu as per their plan, after deleting the major part of the greeting card, prepared transfer note of constable Katar Singh, Constable Mahabir Singh, J.B.T teacher Salinder and Ramesh Kumar driver of P.W.D department and these transfer notes

were addressed to head of the concerned departments and they give these transfer notes to him and for that purpose Rakesh Kumar owner of Purshotam Photostat received Rs.1500/- and out of that amount some amount was also given to Sonu operator and on 18.4.2010, he personally received these letters to the concerned department at Chandigarh and Panchkula. Ram Pal resident of village Amin contacted him for transfer of J.B.T teacher Salinder and Anoop contacted him for transfer of constable Katar Singh and constable Mahabir Singh.

4. After the arrest of Jagpal, he suffered disclosure statement and got recovered a new year greeting card for the year 2006, its computer second copy and other relevant forged transfer notes and same were taken into possession by the police. Ultimately, the final report under Section 173 Cr.P.C. was presented before the Court and copies of the same were provided to the accused free of cost. Accused were charge sheeted for the offences punishable under Sections 120-B, 420, 467, 468 and 471 of IPC.

5. In order to prove the charge, the prosecution examined 10 witnesses, namely, Rajiv Kumar Rana as PW1, HC Deepak Kumar as PW2, ASI Dharam Pal as PW3, Mohinder Singh Naib Tehsildar as PW4, Constable Ajit Singh as PW5, EASI Ramesh Kumar as PW6, EASI Yashpal as PW7, SI Sube Singh as PW8, SI Tek Ram as PW9 and Lakhwant Singh as PW10. Thereafter, the evidence of the prosecution was closed by the order of the Court on 07.12.20215.

6. In the present case, the main allegation against the petitioner is that he had forged the signatures of the then Chief Minister, Haryana, from the DO letter sent by him on the eve of new year to the petitioner. The signatures from the DO letter were selected and were placed on the fabricated transfer notes Ex.PW9/I and Ex. PW9/J and cheated the public servants. However, the forgery was detected and he alongwith other co-accused were tried by the trial Court. In the present case, the prosecution has correctly placed reliance on the testimonies of PW1 Rajiv Kumar Rana, Clerk, Office of Director Elementary Education, Haryana, who had received the transfer notes of a JBT teacher and entry in this regard was made by him in the record. PW8 SI Sube Singh had received a secret information and he had sent the rukka Ex.PW8/A. After that, the investigation was taken over by CIA-I, Karnal and the case was investigated by PW9 SI Tek Ram, who conducted the complete investigation in the present case. The statement of PW9 SI Tek Ram was duly corroborated by PW7 EASI Yashpal on all material aspects in the present case. Apart from that, the prosecution proved expert evidence/FSL report Ex.PA and disclosure statement Ex.PW7/A of the petitioner and the recovery memo Ex.PW7/B. The prosecution further placed reliance on second disclosure statement PW7/E and recovery effected from him vide Ex.PW7/J. Apart from that, the prosecution has placed reliance on the statement of PW5 Constable Ajit Singh, who had contacted the petitioner for getting his friends transferred on

the basis of the forged transfer notes, prepared by the present petitioner. Still further, the prosecution had also correctly placed reliance on the expert report Ex.PA containing questioned red enclosed English writings and figures marked Q1 to Q4 on two transfer notes bearing date 16.04.2010. English signatures alleged to be of Bhupender Singh Hooda and marked Q5, Q6 and standards red enclosed specimen writings and figures marked S1 to S3 stated to be of accused Jagpal and standard signature marked A1 stated to be of Bhupender Singh Hooda on D.O. letter dated 25.01.2006. These documents were scientifically examined by the Expert. Opinion No.1 is against accused Jagpal according to which standard signature marked A1 being Computer Printout and questioned signatures marked Q5 and Q6 as claimed to be scanned signatures by way of scanning and taking printout accordingly. The signatures marked Q5 and Q6 tallied with the standard signature Marked A1 in design, size and relative location of corresponding characters. The signatures marked Q5 and Q6 alongwith surrounding dots and text when superimposed upon each other, the result was same i.e. tallying with A1. However, with regard to specimen writings marked S1 to S3 in juxtaposition of Q1 to Q4 no definite opinion could be given. Though counsel for convict Jagpal argued that prosecution must have joined Mr. Bhupender Singh Hooda as witness in this case for proving the guilt of accused but, in the considered opinion of this Court, it was not *sine quo non* for joining, the then, Chief Minister Mr. Bhupender

Singh Hooda as witness for proving the document issued by him because same is proved by other official witnesses who in ordinary course of nature were maintaining the original signatures of the then Chief Minister.

7. I have perused the findings recorded by the trial Court as well as appellate Court and the Courts have correctly held that the petitioner had forged the signatures of the then Chief Minister from the DO letters sent by the Chief Minister to him on the eve of new year. After selecting the signatures from the DO letters, the petitioner had placed the said signatures on the forged transfer notes Ex.PW9/I and Ex.PW9/J with a view to cheat the public servants and, thus, committed the offence punishable under Sections 120-B, 420, 467, 468 and 471 IPC. Thus, the findings recorded by both the Courts are well reasoned and are based on correct appreciation of the evidence and the settled law.

8. In view of the above discussion, the impugned judgments of convictions passed by the Courts below are ordered to be upheld.

9. Now advertent to the sentence in the present case; the petitioner is aged about 73 years and as per the custody certificate the petitioner has undergone 08 months and 07 days including remissions. As per the custody certificate, the petitioner is aged about 65 years at the time of the conviction on 30.01.2016 and the petitioner is aged about 73 years old at this moment. Apart from that, learned counsel for the petitioner had stated that his elder son had already died and his

two daughters are dependent on him. Even, he and his wife are not maintaining good health and he is not a previous conviction.

10. Thus, taking a lenient view in the matter, the sentence imposed upon the petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs. 25,000/-, which shall be deposited by the petitioner in the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund within a period of three months from today.

11. In case, the enhanced fine amount is not deposited by the petitioner, the present petition shall be deemed to be dismissed.

12. The revision stands disposed off accordingly.

13. All pending applications, if any, are disposed off, accordingly.

16.02.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No