

CRR-28-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRR-28-2025

Date of Decision: April 22, 2025

Sheelo Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

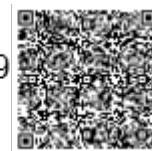
Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Petitioner – Sheelo Kaur has filed the present criminal revision challenging judgment of conviction and order of sentence dated 13.07.2017, passed by learned Judicial Magistrate Ist Class, Bathinda, in Criminal Challan No. 250, dated 27.10.2012, arising from FIR No. 88, dated 16.05.2012, under Sections 419, 420, 465, 467, 471 and 120-B IPC, registered at Police Station Civil Lines, Bathinda, whereby petitioner – Sheelo Kaur and two co-accused, namely, Pritam Singh and Sham Lal, have been convicted and sentenced for the offenses punishable under Sections 120-B, 419, 420, 465, 467 and 471 IPC, and they were awarded substantive rigorous imprisonment of one year for each offence besides payment of fine.

In appeal, bearing No. CRA-450-2017, preferred by the petitioner-Sheelo Kaur, the aforementioned judgment of conviction and



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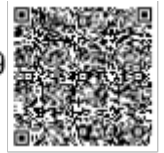
order of sentence has been upheld by the Court of learned Additional Sessions Judge, Bathinda, vide impugned judgment dated 16.12.2024.

2. FIR (supra) against the petitioner – Sheelo Kaur and four others, i.e. (i) Jagjit Singh, (ii) Sham Lal, (iii) Nasib Kaur, and (iv) Pritam Singh, was registered on the basis of a letter sent by the Court of Additional Sessions Judge, Judge Special Court, Bathinda, through District and Sessions Judge, Bathinda. The prime allegation against the aforementioned accused persons is that by conniving with each other and by preparing forged documents, they furnished forged bail bond/surety bond for release of one Jagjit Singh, who was accused in a NDPS case, and granted bail on 19.09.2009. The role assigned to the present petitioner – Sheelo Kaur is that she impersonated as Sushma Rani and stood surety for Jagjit Singh (accused in NDPS case).

3. After adducing the evidence and analyzing the same, learned Trial Court in para Nos. 30 to 34 of its judgment of conviction, recorded the findings against the petitioner – Sheelo Kaur, which are reproduced as under:-

“30. The case of the prosecution against the accused persons present before the court is that the accused Sheelo Kaur impersonated herself as Sushma Rani and appeared as a surety in the bail bonds furnished by Jagjit Singh. Further the accused Pritam Singh and Sham Lal fraudulently identified the accused Sheelo Kaur as Sushma Rani before the court.

31. The case of the prosecution has been established against the accused Sheelo Kaur in the testimony of PW4 Dalbir Singh. Dalbir Singh was the Reader of the court in which Jagjit Singh had furnished his bail bonds which are Ex.PW4/A. In the said bail bonds



Ex.PW4/A, the name of Sushma Rani is mentioned as a surety of Jagjit Singh and the surety Sushma Rani has been identified by witnesses Sham Lal and Pritam Singh. The Photographs of the surety affixed on the said bail bonds Ex.PW4/A is of the accused Sheelo Kaur present before the court. This fact alone proves that the accused Sheelo Kaur had appeared before the court as Sushma Rani to give surety for Jagjit Singh.

32. *Further PW4 in his cross examination states that during the furnishing of the bail bonds, he had compared the physical appearance of the surety which stood before him with the Photographs affixed on the bail bonds Ex.PW4/A, which confirms that the accused Sheelo Kaur was herself present before the court on the said day and was impersonating herself as Sushma Rani.*

33. *The samples of the thumb impressions of accused Sheelo Kaur were also taken in the court and the same are Ex.PW12/A. The said samples were sent to the Forensic Laboratory Phillour for their comparison with the thumb impressions of the surety affixed on the bail bonds Ex.PW4/A. The report regarding the comparison of the thumb impressions prepared by the Finger Prints Expert is Ex.PW3/N. In the said report, it has been mentioned that there exists sufficient points of similarity between thumb impression of the surety furnished on bail bonds Ex.PW4/A and the sample thumb impressions of accused Sheelo Kaur taken in the court. It has been mentioned in the said report that so many points of similarity cannot be found to occur in the impression of different thumbs and fingers. The said report sufficiently proves that the accused Sheelo Kaur appeared as a surety for Jagjit Singh impersonating herself as Sushma Rani.*

34. *Also it is worthwhile to mention that in the plea of the accused Sheelo Kaur recorded under Section 313 of Cr.PC, she has not denied her thumb impression upon the bail bonds Ex.PW4/A. In her statement under Section 313 Cr.PC, she has deposed that the accused Pritam Singh had taken her thumb impressions on various blank papers and had also obtained her Photographs and thus had committed fraud with her. However, the accused Sheelo Kaur has failed to adduce any evidence whatsoever in support of her above mentioned contention. Consequently, in the opinion of this court, the case of the prosecution against the accused Sheelo Kaur has been sufficiently established.”*



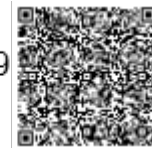
4. Eventually, learned Trial Court held all the accused persons, including the present petitioner – Sheelo Kaur, guilty of the charges levelled against them. Accordingly, vide order of sentence dated 13.07.2017, petitioner – Sheelo Kaur was sentenced as under:-

Under Section	Sentence	Fine	In Default
120-B IPC	RI for one year	Rs. 500/-	RI for 15 days
419 IPC	RI for one year	—	—
420 IPC	RI for one year	Rs. 500/-	RI for 15 days
465 IPC	RI for one year	—	—
467 IPC	RI for one year	Rs. 500/-	RI for 15 days
471 IPC	RI for one year	Rs. 500/-	RI for 15 days

All the substantive sentences of imprisonment were ordered to run concurrently.

5. The appeal filed by the petitioner – Sheelo Kaur has been dismissed by the Court of learned Additional Sessions Judge, Bathinda, by observing as under:-

“34) After thoroughly considering the material on file, this court has observed that the prosecution has successfully proved beyond the shadow of reasonable doubt that appellant/accused Sheelo Kaur alongwith her witnesses had appeared before the court of learned Chief Judicial Magistrate and had furnished bonds impersonating herself to be Sushma Rani and had put her thumb impression on surety bonds on 23.9.2009 alongwith her photograph. The thumb impression, which has been put on the surety bonds as well as on affidavit furnished by Sheelo Kaur claiming herself to be Sushma Rani have been got compared with the thumb impression, which has been taken during the investigation proceedings of accused Sheelo Kaur. Both these thumb impressions were sent to the Handwriting Expert for comparison, and as per report Ex. PW3/N, there is similarity between thumb impressions, which are appearing on the surety bonds as well as affidavit with the thumb impression of Sheelo Kaur taken during the

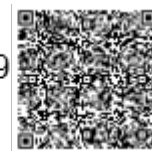


investigation.

35) *Apparently the thumb impression, which is of Sheelo Kaur has been affixed on the surety bonds, which have been furnished in the court in the name of Sushma Rani (surety) with the photograph of Sheelo Kaur. During investigation, Sheelo Kaur vide memo Ex.PW3/M had furnished her photographs as well as her ration card. The photographs of Sheelo Kaur of different ages has been produced during investigation vide above-mentioned memo, one of which, is same which is affixed on the surety bonds Ex. PW4/A. The ration card reflects the photograph of Sheelo Kaur on which, she is shown to be wife of Kehar Singh. The fact that there is photograph of Sheelo Kaur on the surety bond (Ex. PW4/A) and the thumb impression of Sheelo Kaur is found to be on the surety bonds as well as on the affidavit furnished along with surety bonds (as per report Ex. PW3/N) goes a long way to prove the fact that Sheelo Kaur had herself thumb marked the bonds before the court.*

36) *It is important to refer to the evidence of the person, who had seen Sheelo Kaur furnishing the document i.e. Reader of the concerned court, who is examined as PW4 (Dalbir Singh). In his examination-in-chief, he has deposed that the bonds were signed and thumb marked by witness and surety in the presence of the the learned Chief Judicial Magistrate and same were furnished to him. In his cross-examination, he has deposed that the documents, which are furnished by the accused, are checked by the Reader as well as by the Court generally. He stated that he had compared the physically appearance of the surety and witnesses with the photographs, which were pasted on the documents. He admitted that Sushma Rani was the same person, whose photograph was affixed on the document Ex.PW4/A i.e. surety bond. This part of cross-examination disclosed admission on the part of accused regarding the fact that the person whose photograph was affixed on the surety bond was present in the court, that clearly proves the impersonation by Sheelo Kaur. Moreover, as per statement of PW4, he had personally checked the person who furnished the bonds, who was same as that of the photograph affixed on Ex. PW4/A.*

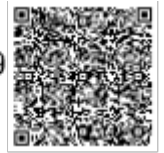
37) *In view of the above mentioned discussion, it is evident from the documents that accused Sheelo Kaur had appeared in the court on 23.09.2009 and had furnished*



surety bonds for the accused Jagjit Singh impersonating herself to be Sushma Rani, whose sale deed was annexed alongwith the surety bond. In this manner, the accused had committed cheating and impersonation that too with the court. It has been argued by learned counsel for the accused/appellant that the accused/appellant is old aged and rustic lady and if the court comes to the conclusion that the offence is duly proved, then she should be released on probation. However, this court has observed that the accused/appellant has committed the offence in the court and with the court, so it is not a fit case where accused should be released on probation.”

6. At the hearing today, learned counsel for the petitioner submits that he does not want to challenge the judgment of conviction passed by learned Trial Court. However, on the question of quantum of sentence, learned counsel for the petitioner submits that the petitioner – Sheelo Kaur is a rustic lady and out of maximum substantive sentence of one year, she has already undergone total sentence period of 5 months and one day as on 21.04.2025. She is facing agony of criminal prosecution for the last more than 12 years, therefore, taking a lenient view, remaining substantive sentence of imprisonment of the petitioner may be reduced to the period already undergone by her in jail.

7. On the other hand, Mr. Amandeep Singh, learned Deputy Advocate General, Punjab, while opposing the submissions addressed by learned counsel for the petitioner, submits that prayer of the petitioner should not be accepted because she has committed the offence in the court and with the court and she has rightly been convicted and sentenced for the charges levelled against her. Learned State counsel also furnished custody certificate dated 21.04.2025, today in the Court, which is taken



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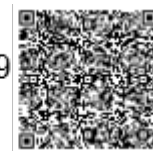
on record. Registry is directed to tag the same at an appropriate place of the paper book. As per custody certificate dated 21.04.2025, petitioner has undergone 05 months and 01 day actual incarceration, out of maximum substantive sentence of one year, which was ordered by learned Trial Court. No other criminal case has been registered against her.

8. I have heard learned counsel for the parties and with their able assistance gone through the record.

9. Since learned counsel for the petitioner has chosen, not to assail the judgment of conviction passed by learned Trial Court, **I find no infirmity in the impugned judgment of conviction, dated 13.07.2017, passed by learned Trial Court and the same stands affirmed. Consequently, present criminal revision qua conviction of the petitioner is dismissed.**

10. On the question of sentence of the petitioner, this Court has examined the submissions addressed by learned counsel from both the sides.

11. FIR against the petitioner and other four accused persons in the present case was registered on 16.05.2012, for the offences punishable Sections 120-B, 419, 420, 465, 467 and 471 IPC, with the allegation that by preparing forged documents, they furnished forged bail bond/surety bond for release of one Jagjit Singh, who was accused in a NDPS case, and granted bail on 19.09.2009. The role assigned to the present petitioner – Sheelo Kaur is that she impersonated as Sushma Rani



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and stood surety for Jagjit Singh (accused in NDPS case). On the basis of evidence, learned Trial Court by recording specific findings found the petitioner guilty of the charges levelled against her.

12. Be that as it may. Out of maximum substantive sentence of one year, the petitioner has already undergone 05 months and 01 day imprisonment and no other criminal case has ever been registered against her.

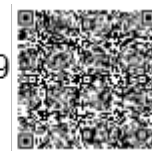
13. Adopting the principles of reformatory theory, which otherwise also sends a direct message to reform oneself despite facing conviction in a criminal case(s), His Lordship V.R. Krishna Iyer, J., of Hon'ble Apex Court, in case of **Mohammad Giasuddin v. State of Andhra Pradesh, (1977) 3 SCC 287**, has observed in para No. 5 of the judgment as under:-

“5. If every saint has a past, every sinner has a future, and it is the role of law to remind both of this. The Indian legal genius of old has made a healthy contribution to the word treasury of criminology. The drawback of our criminal process is that often they are built on the bricks of impressionist opinions and dated values. Ignoring empirical studies and deeper researches.” (emphasis added)

14. In the case of **Satish @ Sabbe v. State of Uttar Pradesh (Special Leave Petition (Crl.) No. 7369 of 2019, decided on 30.09.2020**

: Law Finder Doc ID # 1746022), His Lordship Surya Kant, J., says as:

“Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free-roaming criminals creating havoc in the lives of ordinary peace-loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that



instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first-time offenders ought to be liberally accorded a chance to repent their past and look-forward to a bright future.” (emphasis added)

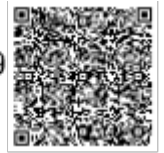
15. This Court also can not ignore the observation made by their Lordships’ of Hon’ble Apex Court in the case of Commissioner of Police and others v. Sandeep Kumar, (2011) 4 SCC 644, which says:-

“9. The modern approach should be to reform a person instead of branding him as a criminal all his life”.

16. In the case of Haribhau v. State of Maharashtra, (2018) 18 SCC 43, Hon’ble Apex Court made observation in the case of an appeal which was preferred against an order of reduction of sentence ‘as already undergone’. Para 13 of the said judgment says as under:-

“13. In our considered opinion, firstly, taking into account that the appellant has already undergone one month’s jail sentence out of three months awarded to him, secondly, the fact that the incident in question is quite old and seems to have occurred at the spur of the moment, thirdly, the appellant has no criminal antecedent in his past life and lastly, he is not required in any other criminal case except the one in question which the appellant fairly did not deny having committed and rightly did not challenge his conviction, it is considered to be just and proper to alter the jail sentence awarded to the appellant from three months to the extent of period of one month which was already undergone by him and instead enhance the total fine amount awarded under different sections from Rs. 800 to Rs. 15,000/-”

17. Therefore, taking into consideration totality of circumstances, this Court is of the view that ends of justice would be best met, if the substantive sentence of imprisonment of the petitioner is



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reduced to that already undergone by her.

18. Resultantly, conviction of the petitioner under Sections 120-B, 419, 420, 465, 467 and 471 IPC is maintained and her substantive sentence of imprisonment is reduced to that already undergone by her, i.e. 05 months and 01 day. However, remaining part of sentence, i.e. payment of fine of Rs. 500/- each under Sections 120-B, 420, 467 and 471 IPC shall remain intact.

19. With the above modification in the order of sentence dated 13.07.2017, passed by learned Judicial Magistrate Ist Class, Bathinda, present criminal revision and pending criminal miscellaneous applications are **disposed of**.

20. Registry is directed to transmit copy of this judgment to learned Trial Court immediately, for releasing of the petitioner from jail and taking further steps with regard to the recovery of fine, if already not paid, in accordance with law.

(SANJAY VASHISTH)
JUDGE

April 22, 2025

Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: YES/~~NO~~