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

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CRR-2685-2024 (O&M)
Date of decision: 22.05.2025

PARAMJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Petitioner – Paramjit Singh has filed the present criminal revision challenging judgment of conviction and order of sentence dated 21.04.2017, passed by learned Judicial Magistrate Ist Class, Amritsar, in Criminal Challan No. 13452, dated 14.6.2011, arising from FIR No. 71, dated 27.2.2009, under Sections 420, 465, 467 and 468 of IPC, registered at Police Station Civil Lines, Amritsar, whereby he was awarded substantive rigorous imprisonment of one year for each offence besides payment of fine.

2. An FIR (supra) against the petitioner, Paramjit Singh, was registered on the basis of letter bearing No. 36577-B written by the Commandant, 5th IRB, Amritsar. It was stated in the letter that, in order to obtain the job of SPO, Paramjit Singh had submitted his matriculation certificate bearing Roll No. 341569, allegedly passed in the year 1992. This certificate was sent to the Punjab School Education Board, Mohali, for verification. As per the report sent by the Punjab School Education Board, it was informed that, according to their records, roll



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numbers from 275001 to 385000 were allotted to District Gurdaspur, and Roll No. 341569 had never been issued to any candidate. Furthermore, roll numbers from 600001 to 640000 were allotted to District Kapurthala, and Roll No. 341569 did not match the records of the Education Department. Hence, the certificate was deemed to be forged.

Thereafter, FIR No. 71 dated 27.02.2009 under Sections 420, 465, 466, 468, and 471 of the IPC was registered at Police Station Civil Lines, District Amritsar, against the petitioner. An investigation was initiated, the accused was arrested, and statements of witnesses under Section 161 Cr.P.C. were recorded. After completing the necessary steps in the investigation, a challan was presented against the petitioner for the commission of offences punishable under Sections 420, 465, 467, and 468 of the IPC.

3. After adducing the evidence and analyzing the same, learned Trial Court in para Nos. 8 to 9 of its judgment of conviction, recorded the findings against the petitioner – Paramjit Singh, which are reproduced as under:-

“8. Now brief points for determination in this case are:

(i) Whether on or before 15.4. 2008, the above named accused forged document i.e. certificate of Matriculation issued in his name bearing Serial no. 92776, Roll No. 341569 issued by Secretary, Punjab School Education Board dated 12 November 1992 or not?

(ii) Whether on or before 15.4.2008 the above named accused forged documents i.e. certificate of Matriculation issued in his name bearing Serial no. 92776, Roll No. 341569 issued by Secretary, Punjab School Education Board dated 12 November 1992, intending that it shall be used for the purpose of cheating or not?

(iii) Whether before 15.4.2008, the above named accused fraudulently used as genuine a certain document i.e. certificate of Matriculation issued in his name bearing Serial no. 92776, Roll No.



341569 issued by Secretary, Punjab School Education Board dated 12 November 1992, which he knew at the time when used it to be a forged document or not?

9. In order to prove the points for determination the prosecution has to establish that the accused forged the Matriculate Certificate and used the same to purpose of cheating and in order to prove the same, the prosecution examined PW4 Kewal Singh Sr. Assistant Punjab School Education Board who proved on record copy of Gazette Ex. PW 4/A, Record Ex P1 copy of result Gazette of the Roll numbers series allotted to District Kapurthala Ex. PW4/B, copy of certificate Ex PX verification of Matriculate Certificate of Roll No 341569 Ex. PY and categorically deposed that the certificate is forged one as the Roll no. 341569 mentioned in Ex. P1 at point A was never issued to Paramjit Singh and nor to District Kapurthala for matric examination held in Marc 1992. He also deposed that the Roll No. 341569 as mentioned in Ex. P1 falls in the series of 340610 to 345000 which was allotted to District Kapurthala. This witness was cross-examined at length but nothing fruitful has emerged from his evidence to show that the accused has not forged the said certificate in question and as such it can be concluded that the accused has forged the certificate and used the same. I have also perused the statements of other witnesses and documents which also linked the accused with the offences in question.”

4. Eventually, learned Trial Court held the present petitioner – Paramjit Singh, guilty of the charges levelled against him. Accordingly, vide order of sentence dated 21.04.2017, petitioner – Paramjit Singh was sentenced as under:

Name	Under section	Imprisonment
Paramjit Singh	466 IPC	Rigorous imprisonment for 1 years with fine of Rs.1000/- and in default of payment of fine, the convict shall undergo RI for 15 days



	468 IPC	Rigorous imprisonment for 1 years with fine of Rs.1000/- and in default of payment of fine, the convict shall undergo RI for 15 days
	471 IPC	Rigorous imprisonment for 1 years with fine of Rs.1000/- and in default of payment of fine, the convict shall undergo RI for 15 days

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

5. In appeal filed by the petitioner, learned Appellate Court below though reversed the conviction under Sections 466 and 468, but maintained the findings of trial Court *qua* Section 471 IPC and also upheld the sentence under Section 471 IPC by observing as under:-

“18. In the case in hand, the appellant has been convicted by learned trial court under sections 466, 468 and 471 of Indian Penal Code on account of having prepared and used a forged matriculation certificate Ex. PX for securing employment as Constable. Having gone through the evidence on record, this court is of the considered opinion that there was sufficient evidence on record to convict the appellant for having used a forged certificate Ex.PX as original. PW-1 Gurmeet Singh, Junior Assistant, office of Commandant 5 Indian Reserve Battalion has proved on record the writing of letter to Secretary, Punjab School Education Board, Mohali for verification of matriculation certificate of March, 1992 of appellant reflecting roll No.341569 and said office vide letter Ex, P1 reported that said certificate was not genuine. The prosecution even examined the concerned official of the office of Secretary, Punjab School Education Board Mohali namely PW-4 Kewal Singh, St. Assistant who proved all the relevant documents i.e. the letter written by Commandant for verification of said certificate Ex. PY, copy of



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matriculation certificate Ex. PX and reply given by Deputy Secretary, Punjab School Education Board Ex P1. From the letter for verification Ex.PY it is crystal clear that appellant/SPO Paramjit Singh had furnished matriculation certificate Ex.PX for the purpose of securing employment as constable and from the statement as well as record produced by PW-4 Kewal Singh, Sr. Assistant it has been established that said matriculation certificate bearing Roll No. 341569 allegedly issued to appellant being student of District Kapurthala, was forged as no such roll number was allotted to any such candidate.

19. It is further pertinent to note that the entire evidence of prosecution has gone un rebutted and unchallenged as appellant has not opted to cross examine the prosecution witnesses except PW-4 Kewal Singh, Senior Assistant and the only suggestion put to said witness was that roll No.341569 was issued to appellant, which means that appellant had himself admitted that he relied upon matriculation certificate of March, 2012 of Roll No.342569 for securing the job. Thus, even otherwise, the hand shifted upon the appellant to prove said document was genuine but he has not opted to lend any evidence in defence and from the record produced by PW-4 Kewal Singh, Senior Assistant had been duly proved that same was forged.

20 The non examination of complainant Mohinder Singh Teji. Commandant, 5 Indian Reserve Battalion and investigating officer St Gian Singh, cannot be said to have caused any dent in the case of prosecuted as all the relevant documents and facts have been duly proved by prosecution by examining other relevant witnesses. Even otherwise, the appellant has failed to explain that how he has been prejudiced in establishing his innocence on account of non examination of these witnesses. The complainant was not having any such personal knowledge of the facts and he had written letter to Punjab School Education Board in routine for verification of the certificate and this fact was duly proved by Pw-1 Gurmeet Singh,



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Junior Assistant through whom said letter was forwarded. Similarly, the investigating officer has simply recorded the statements of various witnesses under Section 161 of Criminal Procedure Code and he did not conduct any such verification at his own level, which could have been proved from his own examination only.

21. From the above discussion, this court is of the considered opinion that the impugned judgment of conviction of appellant for having used a forged document as genuine under Section 471 of Indian Penal Code is well reasoned. However, as there is no evidence that said document was forged by appellant/convict himself, impugned judgment with regard in his conviction under Section 466 and 468 of the Indian Penal Code, stands reversed.

22 A prayer has been made on behalf of appellant/convict for his release on probation. Considering the fact that appellant had tried to secure public employment in the disciplined force on the basis of a forged document by cheating the department, this court does not find it proper to extend the benefit of probation to the appellant/convict as same would convey wrong message to the like minded people.

23. In view of above discussion, the appeal stands partly allowed and the judgment and findings as well as sentence of learned Judicial Magistrate Ist Class u/s 471 of Indian Penal Code has been affirmed whereas findings as well as sentence with regard to his conviction under Section 466 and 468 of the Indian Penal Code, stands reversed. Bail/surety bonds of appellant/accused stand discharged. Case property, if any be dealt as per rules after expiry of period of appeal/revision. Record of learned trial court be returned after placing copy of this judgment whereas appeal file complete in all aspects be consigned to record room.”

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



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Court and learned Appellate Court below. However, on the question of quantum of sentence under Section 471 IPC, learned counsel for the petitioner submits that out of maximum substantive sentence of one year, petitioner has already undergone total sentence period of 08 months and 03 days as on 21.05.2025. He is facing agony of criminal prosecution for the last more than 08 years, therefore, taking a lenient view, remaining substantive sentence of imprisonment of the petitioner i.e. under Section 471 IPC may be reduced to the period already undergone by him in jail.

7. On the other hand, Mr. Manjinder Singh Bhullar, DAG, Punjab, while opposing the submissions addressed by learned counsel for the petitioner, submits that prayer of the petitioner should not be accepted as he has committed a serious offence of forgery and he has rightly been convicted and sentenced. Learned State counsel also furnished custody certificate dated 21.05.2025, today in the Court, which is taken on record. Registry is directed to tag the same at an appropriate place of the paper book. As per custody certificate dated 21.05.2025, petitioner has undergone 08 months and 03 days actual incarceration, out of maximum substantive sentence of one year. No other criminal case has been registered against the petitioner.

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 impugned judgments of conviction passed by learned Trial Court, as partially upheld by the learned Appellate Court, I find no infirmity in the impugned judgment of conviction, dated 21.04.2017, passed by learned Trial Court to the extent of awarding conviction under Section 471 IPC and the same stands



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affirmed. Consequently, present criminal revision *qua* conviction of the petitioner under Section 471 IPC 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 in the present case was registered on FIR on 27.02.2009, under Sections 420, 465, 467 and 468 of IPC. On the basis of evidence, learned Trial Court by recording specific findings found the petitioner guilty of the charges levelled against him and sentenced him under Sections 466, 468 and 471 IPC, which stands modified in appeal and he has been sentenced under Section 471 IPC.

12. Out of maximum substantive sentence of one year, the petitioner has already undergone 08 months and 02 days imprisonment and no other criminal case has ever been registered against him.

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 under Section 471 IPC is reduced to that already undergone by him.

18. Resultantly, conviction of the petitioner under Section 471 of IPC, is maintained and his substantive sentence of imprisonment for committing the offence under Section 471 IPC is reduced to that already undergone by him, i.e. 08 months and 03 day.

19. With the above modification in the orders dated 21.04.2017, passed by learned Judicial Magistrate Ist Class, Amritsar and 05.12.2024 passed by learned Additional Sessions Judge, Amritsar, 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.

22.05.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No