

2026:PHHC:080352



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

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CRA S-263-SB of 2005

Date of Decision: 20.05.2026

Bari Ram and another

...Appellant (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Sahil Gupta, Advocate
for appellant No.1-Bari Ram.
(Legal Aid Counsel)

Mr. Sakal Sikri, Advocate
for the appellant No.1-Bari Ram.

Ms. Dolli Sharma, Advocate
for appellant No.2-Baba Sohan Singh.
(Legal Aid Counsel)

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction and order of sentence dated 14.01.2005 passed by the Court of Additional Sessions Judge, (Adhoc), Jalandhar, whereby, the appellant was held guilty for the commission of offence punishable under Sections 489-C of IPC and were sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.2000/- each. In default of payment of fine they shall further undergo rigorous imprisonment for six months.

2. The case of the prosecution, in brief, is that the present case was registered on the basis of written complaint of Sub-Post Master Apra, addressed to S.H.O., P.S. Phillaur, dated 14.05.2001, wherein, he stated that while he was working in T.R.C. Counter on 14.05.2001, one Avtar Singh, C.D.A. Masani, approached him to accept three T.R.C. bills with total amount of Rs.2436/-. Those bills were of Bari Ram son of Bhagat Ram resident of Katana, Phillaur bearing telephone No.50909 of the amount of Rs.1585/- of Gurbachan Ram son of Partap Ram resident of village Masani bearing telephone No.50023 of the amount of Rs.475/- and third bill of Mohinder Singh son of Niranjana Singh resident of Masani having telephone No.50270 of the amount of Rs.376/-. While he was checking and counting the cash of these three bills, he found that those 16 notes worth Rs.1600/- each of the denomination of Rs.100/- were fake Indian currency. He handed over those notes to SHO P.S. Phillaur on 14.05.2001. On the basis of this letter and handing over the fake currency notes present case was registered against the accused after due investigation and the *challan* was presented in the Court of *Ilaga* Magistrate, who after finding the *prima-facie* case under Sections 489-B and 420 IPC committed the same to the Court of Sessions.

3. During the pendency of the present appeal, Baba Sohan Singh appellant No.2 had expired and the appeal against him stands abated.

4. After the presentation of *challan*, the appellant was charge-sheeted for the offences punishable under Section 489-C of IPC, to which, he pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW1 Constable Sanjeev Kumar, PW2 R.P. Jain, Assistant General Manager, Reserve Bank of India, Chandigarh, PW3 Harinder Pal Singh, S.D.O. Telephone, Phillaur, PW4 Ved Kumar, Ex Sub-Master, Phillaur, PW5 Gurbachan Ram, PW6 Avtar Singh, PW7 Sital Singh, PW8 Bhimsain, Sub-Post Master, Apra, PW9 DSP Jasdip Singh, PW10 H.O. Jaswinder Singh and PW11 ASI Kewal Singh. Thereafter, the evidence of the prosecution was closed.

6. After closure of the evidence, the statement of the appellants were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that he has been falsely involved in the present case.

7. In defence, the appellants/accused examined Sulakhi as DW1, Bhagat Ram as DW2 and Harnam Kaur as DW3 and, thereafter, closed the defence evidence.

8. At the very outset, learned counsel for the appellant No.1 submits that he does not wish to challenge the judgement of conviction passed against the appellants by the trial Court, however, some leniency may be shown while awarding the sentence to appellant No.1. Even though, learned counsel for the appellant No.1 has not challenged the judgement of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the appellant No.1 does not deserve the concession regarding sentence and the present appeal be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution examined PW1 Constable Sanjeev Kumar, who submitted that on 07.06.2001 MHC Jaswinder Singh handed over him three sealed covers containing counterfeit notes duly sealed with seal of 'JS' and the packets were taken to the Reserve Bank of India, Chandigarh. After taking currency notes, the same were returned to him along with a report which was handed over by him to MHC Jaswinder Singh on return on the same day. So long as the sealed covers remained with him, he did not tamper with the same nor allowed anyone else to tamper with the same. PW2 R.P. Jain, AGM, Reserve Bank of India, Chandigarh stated that notes were received by him in a sealed covers with seal of 'JS' and the seals were intact and the covers as well. He found the notes to be forged ones. The covers containing 16 notes of the denomination of Rs.100/- each were bearing No.2 VW 976481 (six), JOA 075508 (4), JUN-449885(5) and one was having No. JQA- 741628 and the other one was having No. 3AU-373902.74. The currency notes contained in the second cover were having numbers JQA-075508 (24 notes), JUN-449385 (14 notes), 7UQ-168042 (9 notes), 22 notes were having numbers 2VW-976481, three having No. 3AU-373902 and two notes of the denomination of Rs. 100/- each out of which 63 were having Nos. JUN-449385, 59 notes were of number JQA-075508, 56 notes were of number 2 VW-916481, 10 notes of number 7UQ-741628, which were found forged due to the following reasons:

- (i) The paper of the notes was rough and thicker as compared to the genuine notes.*
- (ii) The printing was faded and colours dull in both the patterns (old design & new design).*
- (iii) The water mark was missing.*
- (iv) The number panel was small.*
- (v) The colour scheme was altogether different*
- (vi) The security thread was not genuine.*

He deposed that he had 38 years of service at his credit. He joined the Reserve Bank of India as coins and notes examiner. He could very well distinguish forged counterfeit currency notes from the genuine currency notes. He returned the papers to C. Sanjiv Kumar. Report Ex. PA was signed by him.

12. PW3 Harinder Pal Singh, S.D.O. Telephones from the record proved that Bari Ram son of Bhagat Ram resident of village Katana was sanctioned telephone No. 50909. PW3 Harinder Pal Singh, S.D.O. Telephone, Phillaur, proved on record the attested copy of the demand notice on the basis of which Bari Ram had deposited an amount of Rs.10,000/- for obtaining the telephone connection as Ex.PB. The order regarding issuance of telephone number was proved as Ex.PB/1 and the attested copy of the receipt was proved as Ex.PB/2. PW4 Ved Kumar, Ex-Sub Master, Phillaur, proved the posting order of Bhim Sain Verma as Sub-Post Master, Apra. The cyclostyled copy of the posting order was exhibited as Ex.PC. He further stated that the original order was signed by Nirmaljit Singh, Senior Superintendent, Post Offices. PW5 Gurbachan Ram son of Partap Ram resident of Village Masani deposed that a telephone connection had been installed at his house and he had handed over the telephone bill amounting to Rs.475/- to Avtar

Singh, Postman, for depositing the same in the Post Office at Apra. After depositing the amount, the receipt was handed over to him by Avtar Singh. PW6 Avtar Singh son of Gharan Dass resident of Village Chimma Kalan stated that on 14.09.2001, he was posted as a Postman for villages Masani, Katana and Tura. Besides distribution of *dak/mail*, villagers used to hand over telephone bills alongwith the bill amount to him for deposit in the Sub-Post Office, Apra, and after depositing the same, he used to return the receipts to the concerned persons. He further deposed that on the said day, Gurbachan Ram son of Partapa Ram, Mohinder Singh son of Niranjana Singh and Bari Ram son of Bhagat Ram had handed over their telephone bills to him for deposit in the Sub-Post Office, Apra. Bari Ram had paid Rs. 1600 and the notes were denomination of hundred each and Gurbachan Ram handed over the telephone bill along with Rs. 476/- and Rajinder had handed over the telephone bill amounting to Rs.375/- to him. The currency notes of each role were wrapped in the telephone bills and he handed over these bills along with payments to Bhim Sain Verma, Sub-postmaster. PW7 Sital Singh had been declared hostile whereas PW8 Bhim Sain Verma, Sub-Postmaster, supported the statement of PW6 Avtar Singh. PW9 Jagdip Singh, DSP, proved the entire investigation in the present case and also stated with regard to the various memos prepared by him during the investigation. PW10 HC Jaswinder Singh tendered into evidence his affidavit Ex. PC. PW11 ASI Kewal Singh partly investigated the case and reiterated the facts as stated by Jagdip Singh, D.S.P., Investigation Officer. From the statements of witnesses, it was apparent that the prosecution had been able to prove the offence under

Section 489-C IPC against the appellants. Even otherwise, I have carefully gone through the judgment passed by the learned trial Court and found that the same does not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of conviction is ordered to be upheld.

13. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the appellant No.1 is facing the agony of trial/appeal since 27.07.2003, i.e., for the last more than 22 years. As per custody the certificate, appellant No.1 Mewa Singh, has already undergone 01 months and 23 days out of maximum sentence of two years. The sentence imposed on the appellant No.1 Mewa Singh was ordered to be suspended by this Court vide order dated 08.02.2005 and for the last about 21 years, he has maintained good conduct and has not misused the concession in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellant No.1 is reduced to the period already undergone by him.

14. With the above modifications, the present appeal is partly allowed and impugned judgement of conviction and order of sentence dated 14.01.2005 passed by the Court of Additional Sessions Judge, (Adhoc), Jalandhar, is upheld, whereas, the sentence imposed on the appellant No. 1 is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

15. The fee of Mr. Sahil Gupta, learned Amicus Curiae, who assisted the Court on behalf of the appellant No.1 and Ms. Dolli Sharma, learned Amicus Curiae, who assisted the Court on behalf of the

appellant No.2 is assessed at Rs. 20,000/- each. The fees shall be paid by the Secretary, High Court Legal Services Committee.

16. Pending applications, if any, stand also disposed of, accordingly.

20.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No