



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

**CRM-M No.17279 of 2026
Date of decision: 14.05.2026**

Nirmal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present criminal miscellaneous petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding Section 482 Cr.P.C.) for setting aside the order dated 10.03.2026 passed by learned Judicial Magistrate First Class, Ludhiana in case bearing *CHI-2480/2023*, whereby the application moved by the petitioner for adding offences under Sections 465, 467, 468 and 471 IPC [corresponding Sections 336(2), 338, 336(3) and 340(2) of the BNS] in FIR No.26 dated 23.03.2023, registered under Sections 177, 420 and 120-B IPC [corresponding Sections 212, 318(4) and 61(2) of the BNS] at Police Station Jodhan, District Ludhiana Rural, came to be dismissed.

2. Briefly stated, the present FIR was registered on the basis of an application moved by complainant Nirmal Singh alleging that the marriage of his son, Gursewakpal Singh, was solemnized with accused



Lakhvir Kaur on 18.08.2019 according to Sikh rites and ceremonies. It was alleged that after marriage, the complainant party bore the expenses for sending Lakhvir Kaur to Canada for higher studies and also paid her educational expenses. However, after reaching Canada, she allegedly stopped maintaining relations with her husband and his family and failed to take steps for sponsoring her husband despite assurance and compromise between the parties. The allegations are that accused Lakhvi Kaur, in connivance with her father Suba Singh and other accused persons, obtained a Police Clearance Certificate (PCC) by falsely declaring herself to be unmarried, despite the subsistence of her marriage with Gursewakpal Singh. It was alleged that the said PCC was procured with the intention to obtain Permanent Residency (P.R.) in Canada independently, without disclosing her husband as spouse in official documents. The prosecution case further is that the witnesses, namely Bakhshish Singh and Jagdev Singh, knowingly verified and attested the police verification proceedings despite being aware of her marital status, thereby facilitating procurement of the PCC on the basis of false information. Consequently, FIR No.26 dated 23.03.2023 came to be registered at Police Station Jodhan, District Ludhiana Rural, under Sections 177, 420 and 120-B IPC.

3. It was averred in the application moved by the present petitioner/complainant under Section 216 Cr.P.C. that though the police had presented challan only under Sections 177, 420 and 120-B IPC, however, from the material collected during investigation, offences under Sections 465, 467, 468 and 471 IPC were also clearly made out against the accused



persons. It was alleged that accused Lakhvir Kaur, despite her marriage having been solemnized with Gursewakpal Singh on 18.08.2019 and duly registered on 28.08.2019, procured a Police Clearance Certificate by falsely representing herself to be unmarried. It was further alleged that accused Suba Singh as well as witnesses Bakhshish Singh and Jagdev Singh intentionally furnished false statements before the police authorities and executed false verification documents in connivance with each other for facilitating issuance of the said PCC. The petitioner further alleged that after marriage, accused Lakhvir Kaur had obtained a new Aadhaar Card reflecting her matrimonial address as wife of Gursewakpal Singh at Rajguru Nagar, Ludhiana, however, while applying for passport and PCC, the accused persons intentionally relied upon the old Aadhaar address showing her as daughter of Suba Singh and resident of village Ranguwal so as to conceal her marital status. On the basis of the said allegations, it was contended that the accused persons had used false and forged documents for obtaining PCC and passport related benefits and, therefore, offences punishable under Sections 465, 467, 468 and 471 IPC were also liable to be added in the present case.

4. Vide impugned order dated 10.03.2026, learned Judicial Magistrate Ist Class, Ludhiana dismissed the aforesaid application moved by the present petitioner/complainant under Section 216 Cr.P.C. for addition of offences under Sections 465, 467, 468 and 471 IPC, after hearing the arguments advanced by learned counsel for both the parties. Learned trial Court observed that the challan had already been presented



under Sections 177, 420 and 120-B IPC after due investigation by the police authorities and that the contentions raised in the application pertained to disputed questions of fact, which could only be adjudicated during the course of trial upon appreciation of evidence. Learned trial Court further held that at the stage of framing of charge, a meticulous appreciation of evidence was not required and, finding no sufficient ground for addition of the proposed offences, dismissed the application being devoid of merits.

5. Learned counsel for the petitioner contends that learned trial Court has illegally dismissed the application filed under Section 216 Cr.P.C. seeking addition of offences under Sections 465, 467, 468 and 471 IPC, despite the material available on record clearly disclosing the commission of the said offences. It is argued that respondent No.2-Lakhvir Kaur, despite being legally married to the son of the petitioner namely Gursewakpal Singh on 18.08.2019, intentionally concealed her marital status and obtained a Police Clearance Certificate by declaring herself unmarried for the purpose of securing permanent residency abroad. It is further contended that respondents Suba Singh, Bakhshish Singh and Jagdev Singh acted in connivance with each other by furnishing false verification before the police authorities and thereby prepared and used false documents for obtaining the PCC. Learned counsel further submits that the accused persons knowingly used the old Aadhaar address of respondent No.2 in order to get the police verification conducted from her parental village instead of her matrimonial home and thereby intentionally



suppressed material facts from the authorities concerned. It is argued that the verification report and declaration furnished before the police authorities constituted forged documents and were used as genuine documents for obtaining official clearance, thereby attracting offences under Sections 465, 468 and 471 IPC in addition to the offences already incorporated in the challan. It is also contended that learned trial Court failed to appreciate that even if the challan had initially been presented under Sections 177, 420 and 120-B IPC, the Court was competent under Section 216 Cr.P.C. to alter or add charges at any stage if the material on record disclosed commission of additional offences. Learned counsel further submits that the allegations and documentary material collected during investigation *prima-facie* disclose preparation and use of false documents for the purpose of cheating not only the complainant party but also the immigration and police authorities. On these premises, prayer has been made for setting aside the impugned order dated 10.03.2026 and for directing addition of offences under Sections 465, 467, 468 and 471 IPC against the accused persons.

6. Upon notice of motion, Mr. Sahil Chowdhary, AAG, Punjab, appeared and accepted notice on behalf of the respondent-State and opposed the present petition. Learned State counsel contended that after thorough investigation, the police had presented challan only under Sections 177, 420 and 120-B IPC and no material was found to attract the offences under Sections 465, 467, 468 and 471 IPC. It is further argued that the allegations primarily relate to concealment of marital status and



furnishing of incorrect information before the authorities for obtaining PCC and such allegations, at the highest, may constitute cheating or furnishing false information, but do not satisfy the essential ingredients of forgery. It is also submitted that no false document, as contemplated under Section 464 IPC, was prepared by impersonating another person or by fabricating any signature, seal or handwriting and the dispute essentially pertains to suppression or misrepresentation of facts. Learned State counsel further submitted that learned trial Court rightly observed that the matter requires appreciation of evidence during trial and no case for addition of forgery offences was made out at the present stage.

7. After hearing learned counsel for the parties and perusing the record, this Court finds no merit in the present petition. The offence of forgery is defined under Sections 463 and 464 IPC. In order to constitute forgery, there must first be making of a “false document” with intent to cause damage or injury, to support any claim or title, to cause a person to part with property, or to commit fraud. Mere furnishing of an incorrect statement or concealment of a material fact does not by itself amount to forgery unless it is shown that the accused dishonestly or fraudulently created a false document by pretending to be someone else, by fabricating execution of a document, or by altering a document without authority. Thus, the core ingredient of forgery is fabrication of a false document and not merely making of a false statement.

8. In the present case, the allegations against the accused are that respondent No.2 concealed her marital status while applying for Police



Clearance Certificate and used her parental address for the purpose of verification. The record nowhere suggests that the marriage certificate itself was forged, fabricated or tampered with. Similarly, there is no allegation that the Aadhaar Card or any other official document was counterfeit or fabricated by impersonation. At best, the allegations indicate that incorrect or incomplete information was furnished before the authorities concerned. Such allegations may form the basis of offences already incorporated in the challan, i.e Sections 177, 420 and 120-B IPC, however, the essential ingredients necessary to attract offences under Sections 465, 467, 468 and 471 IPC are conspicuously absent.

9. This Court further finds that the petitioner is attempting to equate concealment of marital status with creation of a forged document, which is legally impermissible. The verification report or PCC application cannot automatically be termed a forged document merely because certain facts were allegedly suppressed therein. Even according to the prosecution case, the documents were submitted by the persons concerned in their own names and not by impersonating another person or fabricating signatures or seals. There is no allegation that the signatures appearing on the documents are forged or that any document was fabricated from scratch. Therefore, the foundational requirement of making a false document is missing in the present case.

10. Learned trial Court has rightly observed that the challan had already been presented after due investigation under Sections 177, 420 and 120-B IPC and that the allegations raised in the application were



substantially a repetition of the prosecution case already under consideration. The Court below correctly held that the issue as to whether the accused intentionally concealed material facts is a matter to be adjudicated during trial upon appreciation of evidence and that no sufficient ground existed for addition of forgery offences at this stage.

11. Accordingly, finding no illegality, perversity or jurisdictional error in the impugned order dated 10.03.2026 passed by learned Judicial Magistrate Ist Class, Ludhiana, the present petition stands dismissed.

12. However, nothing observed herein shall be construed as an expression on the merits of the case.

13. All pending applications, if any, also stand disposed of.

14.05.2026
neetu

(MANDEEP PANNU)
JUDGE

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