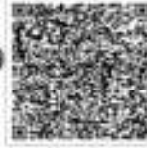


2026.PHHC:043009



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

213(2 cases)

CRR 53 of 2010

Date of Decision: 18.03.2026

Wazir Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

CRR 223 of 2010

Gajjan Singh and another

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Naveen Batra, Advocate for the petitioners.
(in both the petitions).

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. This judgment shall dispose of two petitions, i.e. CRR 53 of 2010 titled as “Wazir Singh versus State of Punjab” and CRR 223 of 2010 titled as “Gajjan Singh and another versus State of Punjab”, whereby the petitioners have challenged the common impugned judgment dated 18.12.2009 passed by the Court of Additional Sessions Judge, Adhoc, Fast Track Court, Hoshiarpur and the impugned judgment and order dated 16.01.2006 passed by the Court of Additional Chief Judicial Magistrate, Hoshiarpur, whereby, the accused/petitioners have been sentenced as under:-

<i>Sections</i>	<i>Sentence</i>
<i>Section 417 IPC</i>	<i>To undergo rigorous imprisonment for six months.</i>
<i>Section 471 IPC</i>	<i>To undergo rigorous imprisonment for one year and to pay a fine of Rs. 500/- each. In default of payment of fine, they shall further undergo simple imprisonment for one month.</i>
<i>Section 465 IPC</i>	<i>To undergo rigorous imprisonment for one year.</i>
<i>Section 205 IPC</i>	<i>To undergo rigorous imprisonment for one year.</i>
<i>Section 120-B IPC</i>	<i>To undergo rigorous imprisonment for six months.</i>

2. The brief story of the prosecution is that Jaswinder Singh son of Piara Singh resident of Kumrama, Police Station Bulath, District Kapurthala was involved in case No. 341/97 under Sections 279, 337, 338, 304-A, 427 IPC, Police Station Sadar, Hoshiarpur and his surety was furnished by Gajjan Singh, petitioner, son of Surinder Singh, and fard of property of Maan Singh was furnished by Wazir Singh, petitioner as Maan Singh in the Court of Addl. Chief Judicial Magistrate, Hoshiarpur. Later on, accused Jaswinder Singh son of Piara Singh was declared as proclaimed offender. Notice was issued to Maan Singh by the Court. On receipt of notice, son-in-law of Maan Singh namely Bhajan Singh appeared in the Court and filed an application before the Court of Addl. Chief Judicial Magistrate, Hoshiarpur and subject matter of the same was complaint against Jaswinder Singh, Gajjan Singh petitioner and Wazir Singh, petitioner. The contents of the application were that the police of Police Station Sadar, Hoshiarpur registered a case

under Sections 279, 304-A, 337, 337 and 427 IPC vide FIR No. 341, PS Sadar Hoshiarpur and the *challan* was presented in the Court and the case is pending. On 21.01.1997 the accused Jaswinder was admitted to bail for the amount of Rs. 5000/- with one surety in the like amount. Maan Singh son of Ladha Singh resident of village Nathupur, Tehsil Dasuya, stood surety for accused Jaswinder and accused Jaswinder was released on bail on 02.01.1997. Accused Jaswinder absconded in FIR No. 341 and as such, the notice was issued to the surety. The complainant is the son-in-law of Maan Singh son of Ladha Singh. On receipt of notice from the Court, Maan Singh, who is unable to walk without the assistance of one or two persons and who is aged about 80 years, called the complainant and showed the notice to the complainant and sent the complainant to the Court to inform that Maan Singh son of Ladha Singh himself never stood any surety for any Jaswinder Singh and, accordingly, as per narration of father-in-law of the complainant, the complainant has come to the Court, then came to know that one imposter was showing himself to be Maan Singh and after inquiry, it came to the knowledge of the complainant that Gajjan Singh, petitioner took the *fard jamabandi* of the land of Maan Singh on 01.01.1997 and appeared in the Court as Maan Singh and stood surety for accused Jaswinder Singh or arranged some other person to appear in the Court as Maan Singh to get the accused Jaswinder Singh released. Accordingly, the complainant after appearing in the Court got his statement recorded in the Court. Maan Singh son of Ladha Singh himself never stood surety of Jaswinder Singh and never took any *fard jamabandi* from the revenue

authorities to produce in the Court for furnishing surety bonds. The offence was committed in the Court and as such the Court has got the jurisdiction to try and decide the complaint. The accused have committed an offence of cheating by impersonation and made false document and used it as genuine in the Court after criminally conspiring with each other in clandestine and as such have committed offences punishable under Sections 416, 417, 464, 471, 120-B and 205 IPC. On filing of application, specimen signatures of the accused were taken. Report of Forensic Science Laboratory, Phillaur was called. Statements of the witnesses were recorded. Accused were arrested and enlarged on bail. After completion of all the formalities of investigation, *challan* against the accused was present in the Court.

3. After the presentation of *challan*, the trial Court found that a *prima-facie* case under Sections 120-B, 465, 417, 471 and 205 of IPC is made out against the present petitioners, and they were chargesheeted accordingly. They pleaded not guilty and claimed trial.

4. In order to prove the case, PW1 C-Jhijar Singh, PW2 Ajit Walia, PW3 Mohinderjit Singh, PW-4 Bhajan Singh, PW-5 Manjit Singh Naib Tehsildar, PW-6 Gurbachan Singh Kanungo, PW-7 ASI Mohan Lal, PW-8 Avtar Singh and thereafter the prosecution evidence was closed by order.

5. After closure of the prosecution evidence, the statement of the petitioners were recorded under Section 313 Cr.P.C, and all the incriminating evidence were put to them. However, the petitioners pleaded their false implication in the present case and stated that they

have been involved with some ulterior motive. No evidence was led in defence.

6. During the course of arguments, learned counsel for the petitioners submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioners.

7. Even though learned counsel for the petitioners does not wish to challenge the conviction, however, this court has considered the case on merits.

8. In the present case, PW-1 Constable Jhujar Singh appeared as PW-1 and stated that on 19.04.1999, he reached FSL Chandigarh and after obtaining the result in parcels, he deposited the same in the office of SSP Hoshiarpur. PW 2 Ajit Balia proved the documents Ex. P-1 to Ex. P-5. PW3, Mohinderjit Singh, Head Proficient stated that on 04.03.1999, he was summoned by the Court of Judicial Magistrate 1st Class, Hoshiarpur for obtaining the thumb impression of Gurnam Singh in this Court. He obtained the thumb impressions of Gurnam Singh in the presence of Judicial Magistrate 1st Class, Hoshiarpur. PW-4 Bhajan Singh is the complainant and supported the case of the prosecution in totality. PW7 ASI Mohan Lal was the investigating officer, who stated that on 11.11.1998, vide recovery memo Ex. P5, he obtained the forged documents of surety. He arrested the petitioners and their specimen signatures were obtained on receipt of official report and after completing the investigation, *challan* was presented before the Court.

He also identified the signatures of SI Gurmail Singh, who had lodged

the FIR Ex. PW7/A. PW8 HC Avatar Singh stated that the proclamation issued against Jaswinder Singh was marked to him and Jaswinder Singh was declared PO by the court. From the aforesaid evidence led by the prosecution, it was evidently clear that the petitioners colluded with each other and agreed to prepare a false document and cheated by impersonating and fake surety bonds were produced before the Court of ACJM, Hoshiarpur, so as to ensure the release of Jaswinder Singh illegally. Even all the witnesses were subjected to lengthy cross-examination, but there was nothing material on record to discredit their testimonies. Thus, the petitioners have been rightly held guilty for the commission of offences punishable under Sections 465, 417, 471, 205 and 120-B IPC. Even otherwise, I have carefully perused the judgments of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

9. Now, adverting to the order on quantum of sentence, this Court cannot overlook the fact that the FIR in the present case was registered on 30.10.1998 and the petitioners are facing the ordeal of investigation, trial, and appeal for the last more than 27 years. Even all the three petitioners have already undergone more than one month of actual custody out of total sentence of one year. Further, the sentence imposed on Wazir Singh petitioner was suspended by this Court on 20.01.2010, whereas the sentence imposed on Gajjan Singh and Gurnam Singh was suspended by this Court on 01.02.2010. For the last about 16 years, all the three petitioners have maintained good conduct and were not involved in any other crime. Consequently, keeping in view the

aforesaid mitigating factors, the sentence imposed on the petitioners is reduced to the period already undergone by them.

10. With the above modifications, the revision is partly allowed and the common impugned judgment dated 18.12.2009 passed by the Court of Additional Sessions Judge, Adhoc, Fast Track Court, Hoshiarpur and the impugned judgment and order dated 16.01.2006 passed by the Court of Additional Chief Judicial Magistrate, Hoshiarpur, are upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioners is reduced to the period already undergone by them. The sentence of fine will remain the same.

12. All pending applications, if any, are disposed of, accordingly.

13. A photocopy of this judgment be also placed on the file of connected case.

18.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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