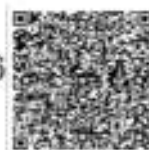


2026:PHHC:072406



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

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CRR 1878 of 2013

Date of Decision: 06.05.2026

Raj Kumar

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Sourabh Sheoran, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 25.05.2013 passed by the Court of Additional Sessions Judge, Bhiwani, and the judgement of conviction dated 16.08.2011 and order of sentence dated 17.08.2011 passed by the Court of Sub-Divisional Judicial Magistrate, Bhiwani, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 420, 467, 468 and 471 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.300/- for the commission of an offence punishable under Section 420 IPC. Further, the petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.300/- for the commission of an offence punishable under Section 467 IPC. He was also sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.200/-

for the commission of an offence punishable under Section 468 IPC. Further he was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.200/- for the commission of an offence punishable under Section 471 IPC. In default of making payment of fine, convict shall further undergo simple imprisonment for a period of one month.

2. The brief allegations of the prosecution case are that on 13.01.2004, Subhash Chander SI from CID Crime Branch, Hisar along with his police team was present at Bus Stand, Charkhi Dadri, in connection with crime investigation duty, then a secret information was received by the police party to the effect that one Raj Kumar son of Ram Singh, resident of Loharu Road, Charkhi Dadri was belonging to General Caste and he had got prepared a forged Scheduled Caste Certificate from the S.D.O. (Civil), Charkhi Dadri. On the basis of the said certificate of Schedule Caste, accused Raj Kumar has got the appointment of the post of DPE from the Education Board, Haryana Chandigarh in a Secondary School, which was reserved for SC-B category. The accused had joined the post of D.P.E. in Government Secondary School, Kesari (Ambala) on 09.12.2003 on the basis of the forged certificate. Thereafter, necessary documents were collected during the course of investigation. On the basis of aforesaid information, a formal FIR was registered.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 420, 467, 468 and 471 of IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, examined Kamlesh as PW1, Gian Singh EHC as PW2, Rajbir Singh as PW3, Ram Singh Patwari as PW4, Kanwar Singh Inspector as PW5, Satbir Singh Inspector as PW6, Vijay Kumar son of Ram Kishan as PW7, Sukheshhan Sharma, Lecturer as PW8, Sushila Dhillo, Principal as PW9, Constable Firoz Khan as PW10, Matu Ram son of Kishan Lal as PW11, Satpal Assistant as PW12, Kirori Lal, Sub Inspector as PW13, Sajjan Singh, Retired Patwari as PW14, Chhanno Devi wife of Ram Singh as PW15 and Hari Ram son of Ami Lal as PW16. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

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

9. In order to prove the charge, the prosecution examined PW1, Kamlesh, who did not support the case of the prosecution. PW2, Gian Singh, EHC, proved the recovery memo Ex. PW2/A and disclosure statement Ex. PW2/B. Still further, PW3 Satbir, proved the register Ex. PW3/A, which was handed over by him to the police from the SDM office. PW4 Ram Singh, Patwari, had proved the recovery memo Ex. PW4/B and his report Ex. PW4/C. PW5 Kanwar Singh proved the recovery memo Ex. PW3/B, vide which SC certificate was taken in possession. PW6 Inspector Satbir Singh proved the recovery memo Ex. PW6/B, vide which the concerned record Mark A to I was taken into possession. PW7 Vijay Kumar proved recovery memo Ex. PW7/A vide which mark X was taken into police possession. He admitted that mark X and recovery memo Ex. PW7/A are of the same date. PW8 Subhekshan Sharma, Lecturer deposed regarding recovery memo Ex. PW6/B. PW9 Sushila Dhillon, Principal proved that petitioner Raj Kumar had joined as DPE in Government Secondary School, Ambala and documents marks A to I were attested by her. She also proved absent report Ex. PW9/A. PW10 Constable Firoj Khan deposed that pursuant to disclosure statement Ex. PW2/B made by the petitioner, no recovery was effected. PW11 Matu Ram deposed that entries in register Ex. PW3/A including entry Ex. PW11/A dated 13.10.1994 were made by him. He admitted that there was overwriting in the year mentioned in the register and he was unaware as to how and why such overwriting was made. PW12 Satpal, Assistant proved recovery memo Ex. PW12/A vide which documents marks P1 to P11 were taken into possession by the police. He

also admitted that he had not seen the original documents. PW13 Kirori Lal, Sub Inspector proved FIR Ex.PW13/A alongwith endorsement Ex.PW13/B. PW14 Sajjan Singh, retired Patwari deposed that he had neither signed any record nor submitted any report available on the file. He further stated that caste certificates used to come to him after attestation by the Sarpanch. PW15 Chhanno Devi, mother of the accused, stated that she was not aware about the facts of the case and denied having made statement Ex.PW15/A before the police. PW16 Hari Ram retired SHO deposed that he prepared the report under Section 173 Cr.P.C. From the aforesaid evidence, the prosecution has been able to prove the charge against the petitioner beyond the shadow of reasonable doubt. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 13.01.2004, i.e., for the last more than 22 years. At present, the petitioner is aged about 55 years and is a first-time offender. Still further, as per the custody certificate, he has undergone more than 04 months and 22 days out of total sentence of 1 year. Even his sentence was suspended by this Court on 27.08.2013 and in the last more than 12 years, he had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction dated 25.05.2013 passed by the Court of Additional Sessions Judge, Bhiwani, and the judgement of conviction dated 16.08.2011 and order of sentence dated 17.08.2011 passed by the Court of Sub-Divisional Judicial Magistrate, Bhiwani, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

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

06.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No