



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-2738-2025 (O&M)

Date of decision: 23.01.2026

Gabbar Singh @ Sukhwinder Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Tarun Singla, Advocate and
Mr. Ashim Singla, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant criminal revision has been preferred against the judgment of conviction and order of sentence dated 18.02.2020 passed by the Sub-Divisional Judicial Magistrate, Sardulgarh, in Criminal Case No.86 dated 14.06.2018 whereby the revisionist-petitioner had been convicted for commission of offences punishable under Section 473 of the Indian Penal Code, 1860 in case bearing FIR No. 91 dated 18.06.2017 registered under Section 61 of the Punjab Excise Act, 1914 and Section 473 of the Indian Penal Code, 1860 at Police Station Sardulgarh, as well as the judgment dated 09.10.2025 passed by the Additional Sessions Judge, Mansa, in Criminal Appeal No.10 of 18.03.2020 vide which the appeal filed by the revisionist-petitioner has been dismissed. The revisionist-petitioner has been sentenced as under:-



Under Section	Sentence
473 I.P.C.	Simple imprisonment for 01 year and fine of Rs.1,000/- and in default thereof, to further undergo SI for a period of 5 days.

2. Learned counsel appearing on behalf of the petitioner contends that as per the case of the prosecution, on 18.06.2017, HC Ujjagar Singh, along with other police officials, was on patrolling on the government vehicle bearing registration no. PB-31C-9345 being driven by HC Harpal Singh, in search of suspected persons. When they reached near the cremation ground of village Heengna, a secret information was received to the effect that Gurmit Singh alias Preet son of Buta Singh and Gabbar Singh son of Bhola Singh, both residents of Mirpur Khurd were in the habit of selling country made liquor in Punjab after bringing the same from Haryana and hence, were causing financial loss to the contractors of Punjab. It was informed that the liquor was brought in a Maruti car of white colour after changing its number plate and at the relevant point in time, a number plate having no. HR-22A 0361 had been affixed on the same. It was informed that in the event of a nakabandi at an appropriate place, they may be apprehended along with illicit liquor and the Maruti car. Finding the information to be credible, a *ruqa* was sent to the police station, on the basis of which an FIR was registered against the accused. A check-post was laid in the area of village Bhagwanpur Hingna and a Maruti car of white colour having No. HR-22A-2361 was seen coming from the side of village Lohgarh, in which two Hindu gentlemen had been sitting. The car was



signalled to stop. The driver of the car stopped the car at some distance and both occupants tried to slip away; however, the driver of the car was apprehended while the person sitting alongside the driver's seat managed to escape. HC Bant Singh identified the fleeing person as Gabbar Singh son of Bhola Singh, resident of Mirpur Khurd. On inquiry, the driver disclosed his name as Gurprit Singh @ Preet son of Buta Singh, resident of Mirpur Khurd. During the checking of the car, 10 boxes containing a total of 120 bottles of country-made liquor of Haryana make "Special Malta", were recovered. The contraband as well as the evidence were taken into possession vide separate recovery memos. No document was found from the Maruti car; however, two number plates on which HR-22A-0361 had been inscribed were recovered from underneath the seat of the car. A rough site plan was prepared and statements of witnesses were recorded. Accused/Gurprit Singh was arrested and his personal search was conducted.

3. On 14.08.2017, the revisionist-petitioner was arrested and his personal search was conducted. After completion of the investigation, the final report was filed under Section 173 Cr.P.C. in the Court and documents were supplied to the accused-petitioner free of costs.

4. Finding that a prima facie case is made out, the petitioner was charge-sheeted for the commission of offences punishable under Section 61 (1) (a) of the Punjab Excise Act, 1914 and under Section 473 of the Indian Penal Code, 1860 and the contents of the same were read over and explained to the accused, to which he pleaded not guilty and claimed trial.



5. In order to substantiate its case, the prosecution examined the following eight witnesses:

PW-1	HC Bant Singh.
PW-2	HC Ujjagar Singh.
PW-3	ASI Major Singh.
PW-4	C. Alamjit Singh.
PW-5	Om Parkash Sihag, Nazer, office of SDM, Fatehabad.
PW-6	HC Nachattar Singh
PW-7	ASI Deep Singh
PW-8	Balvir Singh

6. No other prosecution witness/evidence was examined or produced. The prosecution evidence was thereafter closed.

7. The statement of the petitioner was recorded under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances and evidence appearing on record were put to him. The petitioner denied the allegations in its entirety, describing the prosecution case and evidence as false and fabricated, and asserted his innocence. However, no defence evidence/witness was produced by the petitioner during his defence evidence.

8. After considering the arguments advanced by the counsel for the parties, the testimonies of witnesses, and the evidence placed on record, the Sub-Divisional Judicial Magistrate, Sardulgarh, vide judgment and order



of quantum of sentence dated 18.02.2020, held the petitioner guilty of offences punishable under Section 473 of the Indian Penal Code, 1860.

9. Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioner preferred Criminal Appeal No. 10 of 18.03.2020 before the Court of the learned Additional Sessions Judge, Mansa. However, vide judgment dated 09.10.2025, the learned Additional Sessions Judge, Mansa, dismissed the aforesaid appeal and consequently affirmed the judgment of conviction and order of quantum of sentence dated 18.02.2020 passed by the learned Sub-Divisional Judicial Magistrate, Sardulgarh. Hence, aggrieved by the said judgment of conviction and order of quantum of sentence, the present revision petition has been preferred.

10. Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot and that he was neither the driver nor the owner of the Maruti Car in question. He further contends that the petitioner has no connection with the alleged commission of the offence since there is no evidence linking the petitioner with the recovered vehicle and thus both the trial Court and the Appellate Court erred in convicting the petitioner under Section 473 of the IPC. He thus prays that the conviction be set aside and the petitioner be acquitted of the offence.

11. Learned State Counsel, on the other hand, contends that both the Trial Court and the Appellate Court rightly convicted the petitioner for offence under Section 473 of the IPC, as the two number plates on which HR-22A-0361 was inscribed were found underneath the seat of the car in



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which the petitioner was travelling with the driver Gurprit Singh, whereas false number plate HR-22A-2361 was being used on the vehicle. The petitioner hence used the false number plates for nefarious purposes and that an offence under Section 473 would be made out in the said circumstances. He prays that the present revision petition be dismissed.

12. No other argument has been made nor any other judgment cited.

13. I have heard learned counsel for the respective parties and have gone through the documents appended along with the present petition.

14. The key issue that has come up for consideration before this Court is as to whether an offence under Section 473 of the IPC would be made out in the present case or not. The relevant provision is extracted hereunder:

473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.—Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable



to fine.

For an offence to be made out under Section 473 of the IPC, the prosecution must prove:

- (i) that the accused made a counterfeit seal/plate; and
- (ii) the counterfeit should be made intending that the same shall be used for committing any offence punishable under the Chapter XVIII other than Section 467 I.P.C.;
or
- (iii) the accused is in possession of such counterfeit seal/plate with such an intent, as above; and
- (iv) accused has the knowledge of the same to be counterfeit;

15. Thus in any of the twin possibilities i.e. making of counterfeit seal or being in possession of a counterfeit seal with such intent of committing crime and having knowledge about the plates being counterfeit, an accused can be held liable for commission of the offence.

16. In view of the above, the evidence needs to be scrutinized for the same.

17. It would be apposite to refer to the deposition of PW-5 Om Parkash Sihag, Nazer, office of SDM, District Fatehabad, in this regard. The relevant part of the deposition is extracted hereunder:



“Stated that today I have brought the summoned record pertaining to vehicle bearing Registration No. HR-22A-2361, as per record the said registration no is issued to tractor Shivraj-735, which was on the name Joginder Singh Son of Nachatter Singh R/o village Laduwas, Tehsil and District Hisar. Attested copy of above said tractor is Ex.Pw5/A. Today I have also brought the summoned record pertaining to vehicle bearing Registration No. HR-22A-0361, as per record the said registration no is issued to Maruti Car, which was on the name Ved Parkash Son of Ram Lal R/o village Nangal, Tehsil Ratia, District Hisar. Attested copy of above said Maruti Car is Ex.Pw5/B. The above said is true as per original record brought by me today in the court. On the police request I made a endorsement is Ex.Pw5/C, I identify my signature on the same. My statement was recorded.”

18. It would also be apposite to refer to the deposition of PW-8 Balvir Singh. The relevant part of his deposition is extracted hereunder:

“Stated that I was resident of ward No.1 Sardulgarh. I am having business of sale and purchase of cars at Sardulgarh. Maruti Car bearing No. HR-22A-0361 was purchased by me from Piara Singh son of Jarnail Singh r/o Fatehabad for Rs. 19,000/- then the same car was purchased from me by Gurpreet Singh for 18,500/- vide affidavit dated



30.04.2017 which is Mark-A on which Gurpreet Singh son of Buta Singh r/o Village Mirpur Khurd District Mansa put his signatures and I also signed the same. I identify my signature on the same. When I purchased the car from Piayar Singh I had not transferred the ownership of car on my name.

XXX by proxy counsel

Stated that I do not have any knowledge facts of this case. Police official have not obtained my signature and not recorded any statement. I know only about my affidavit. It is wrong to suggest that I am deposing falsely in connivance with police officials.”

19. As can be gleaned from the statements of Om Parkash Sihag (PW-5) and Balvir Singh (PW-8), it is not in dispute that the registration number on the recovered car, i.e., HR-22A-2361, belonged to Joginder Singh and the number plates bearing No. HR-22A-0361 belonged to a Maruti car owned by one Ved Parkash, son of Ram Lal. It is also not in dispute that it was Gurpreet Singh (driver of the recovered car), who had bought the car from Balvir Singh (PW-8). The prosecution however did not examine Ved Parkash as a witness during the course of the trial to establish as to whether the car was ever sold to Balvir Singh or not, since Balvir Singh was not the registered owner of the car. The chain of events thus remains to be proved as to how Balvir Singh is proved to be the owner of the recovered car.



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20. Apart from the above two depositions, there is no other evidence. Hence, even from the best evidence of the prosecution, the car was purchased by co-accused Gurpreet Singh. It has nowhere come in evidence that the petitioner had in any manner been instrumental in making of the forged number plate or its affixation on the recovered car.

21. There is also no evidence that the petitioner was in any manner or by any means aware of the actual registration number of the car or had been instrumental in making of or changing the number plate. Hence, neither the act of making of a forged number plate nor the *mens rea* or conscious possession is established.

22. The law needs no reiteration that there can be no presumption of an offence and the burden falls upon the prosecution to prove existence of active ingredients for attracting a criminal liability against an accused.

23. Undisputedly, the correct number plates lay under the Driver's seat and not in possession of the petitioner. He is neither the owner nor the Driver of the vehicle, hence, there is no circumstance pointed out in which he may be inferred to have known of the actual registration number of the vehicle. The investigation as well as evidence is silent on the same. Additionally, for holding a person liable for offence under Section 473 of the Indian Penal Code, 1860, the making of counterfeit plate should be for committing any forgery punishable under Chapter XVIII of the Indian Penal Code, 1860, other than Section 467 I.P.C. The offence for which the petitioner was additionally charged was Section 61 of the Punjab Excise Act,



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which is not punishable under the above Chapter of the Indian Penal Code, 1860.

24. Hence, considering it from any perspective, as above, the evidence lacks in satisfying the ingredients for charge to sustain, against the petitioner.

25. Hon'ble Supreme Court in its landmark judgment in the matter of ***Sharad Birdhichand Sarda v. State of Maharashtra***, reported as (1984) 4 SCC 116, laid down five golden principles before the guilt of an accused can be established. The relevant part of the judgment is extracted hereunder:

“153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the conclusion of guilt is to be drawn should be fully established.

It may be noted here that this Court indicated that the circumstances concerned “must or should” and not “may be” established. There is not only a grammatical but a legal distinction between “may be proved” and “must be or should be proved” as was held by this Court in Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793] where the observations were made: [SCC para 19, p. 807]



“Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure conclusions.”

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,

(3) the circumstances should be of a conclusive nature and tendency,

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

(Emphasis supplied)”

26. In the light of the above circumstances, I find that it is a fit case for this Court to exercise its revisional jurisdiction since the judgments of the Trial Court as well as the Appellate Court fail to consider the facts of the



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case as per the requirements prescribed in law. Consequently, the judgment of conviction and order of sentence dated 18.02.2020, passed by the Sub-Divisional Judicial Magistrate, Sardulgarh as well as the judgment dated 09.10.2025, passed by the Additional Sessions Judge, Mansa, in Criminal Appeal No.10 of 18.03.2020, are **set aside**. The petitioner is **acquitted** of the offence under Section 473 of the IPC. The bail bonds of the petitioner stand discharged, if not involved in any other case.

27. The present revision petition stands allowed accordingly. The accused-petitioner is set at large in this case, if not required in any other case.

28. Pending misc. applications, if any, stand **disposed of**.

(VINOD S. BHARDWAJ)
JUDGE

23.01.2026

Mangal Singh

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