

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-265-2025 (O&M)

Decided on 11.02.2025

Ajit Singh @ Pinchu ... Petitioner

VS.

State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. GS Verma, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). This petition under Section 401 CrPC has been filed by the petitioner seeking to quash the impugned judgment dated 17.12.2024 passed by Addl. Sessions Judge, Ludhiana vide which the appeal against the judgment and order of conviction dated 05.09.2018 passed by ACJM, Ludhiana has been upheld whereby the petitioner along with accused Gurcharan Singh @ Kewal Singh were convicted under Section 419 & 420 IPC and sentenced to undergo RI for 2 years and 3 years, respectively with fine of Rs.5000/- in case FIR No.42 dated 05.03.2013 under Sections 420/467/468/471/120-B IPC, registered at Police Station Divn.No.5, Ludhiana.

(2). As per prosecution case, police got information that accused Gurcharan Singh, Ajit Singh and Ashok Kumar have hatched criminal conspiracy and they used to cheat the General Public at Courts, Ludhiana by preparing forged documents for giving surety for the accused persons in the courts and take money from them, thereby they dishonestly caused wrongful loss to general public and wrongful gain to themselves.

(3). Learned counsel for the petitioner contends that the prosecution failed to record the statement of Harpinder Singh nor did he join the

investigation or was examined by the prosecution to link the evidence that he never stood as surety in the Court. He submits that the courts below have wrongly convicted and sentenced the petitioner under Section 419 IPC though no charge was framed under the said provision and moreover, no identity card or any other proof or evidence was recovered from the petitioner to show that he was involved in impersonating some other person while giving surety in the courts.

(4). It is further argued that the courts below have not appreciated the fact that PW-3 Sandeep Singh was the member of raiding party who stated that IO Jaspal Singh received secret information that Gurcharan Singh @ Kewal Singh Ajit Singh@ Pinchu and Ashok Kumar Soni were sitting at the 2nd and 3rd floor of court complex who used to furnish bail bonds by preparing forged documents and accordingly raid was conducted and they were arrested but no photograph of the accused, details or colour of the clothes worn by the accused persons including the petitioner were disclosed by the prosecution.

(5). Learned State counsel has filed custody certificate dated 11.02.2025 which is taken on record. According to it, the petitioner has undergone 1 month and 24 days of custody with no case history. He averred that the documents placed on record before the trial court clearly prove the case of the prosecution that the petitioner had impersonated as Ramesh Kumar and co-accused Gurcharan had impersonated as Harpinder Singh and furnished surety bonds in the courts as such, the ingredients of Section 420 IPC are very much made out against the petitioner as his intention to cheat and dupe the general public is self-evident.

(6). Heard learned counsel for the parties.

(7). The trial court in order to bring home the guilt of the petitioner considered document Ex.P13 i.e. surety bond bearing photograph of petitioner Ajit Singh but was bearing name of Ramesh Kumar who gave surety in case FIR No.83 of 2005 and the said exhibit was proved by PW4 Karam Singh Assistant Record Keeper. In addition, before the trial Court, the investigating Officer of the case ASI Jaspal Singh PW1 corroborated the prosecution version to say that the petitioner was involved in the forgery of documents thereby misusing it as a surety in Court to cheat the general public to cause wrongful gain to the petitioner.

(8). In the present case, the testimonies of the PW1 & PW4 along with documents Ex.P10 to P16 are coherent, consistent, credible, truthful and trustworthy. There is nothing on record to disbelieve their testimonies as neither any motive nor any previous enmity is alleged against such prosecution witnesses by the petitioner for falsely implicating him. Since it is proved that the accused had impersonated as Harpinder Singh and petitioner Ajit Singh had impersonated as Ramesh Kumar and furnished surety bonds in the courts as such, the ingredients of Section 420 IPC are very much made out thereby making it a fit case of cheating with the Court.

(9). In view of the above discussion, there is no error apparent in the judgments passed by both the courts below.

(10). Dismissed.

11.02.2025

V.Vishal

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No

Yes/No