

(2025) 12 P&H CK 0056

Punjab And Haryana HC

Case No: Civil Writ Petition No. 13435 Of 2017

Parmjit Singh

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227
- Indian Penal Code, 1860-Section 420, 467, 468, 471

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: Gursimran Singh Bhatia, Aman Dhir

Final Decision: Dismissed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to respondent to reinstate him in view of judgment of acquittal dated 26.11.2012 passed by learned Chief Judicial Magistrate, Amritsar.

2. The petitioner was enlisted as Special Police Officer ('SPO') on 02.02.1992. He submitted his matriculation certificate. He was considered for the post of Constable. During verification, it was found that he has submitted a forged matriculation certificate. As per said certificate, he was 14 years old at the time of his enlistment as SPO. The respondent lodged FIR No.157 dated 12.05.2003 under Sections 420, 467, 468, 471 of Indian Penal Code, 1860 at Police Station Civil Lines, Amritsar against him. The Trial Court vide judgment dated 26.11.2012 acquitted him.

3. Learned counsel for the petitioner submits that petitioner was acquitted by the Trial Court, thus, respondent was duty bound to reinstate him as SPO and thereafter issue appointment letter as Constable because he was already considered for the post of Constable.

4. Per contra, learned State counsel submits that petitioner submitted forged matriculation certificate. He was acquitted by Trial Court on technical grounds. Trial Court has not concluded that matriculation certificate submitted by the petitioner was not a forged document. The petitioner was considered for the post of Constable and during verification, it was found that he had submitted a forged matriculation certificate. As per said certificate, he was 14 years old at the time of recruitment as SPO. He even could not be recruited as SPO.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner was denied post of Constable because as per respondent he submitted forged matriculation certificate. The respondent lodged FIR against him. The matter came up for consideration before learned Chief Judicial Magistrate, Amritsar who judgment dated 26.11.2012 acquitted him. The operative portion of findings recorded by the Trial Court is reproduced as below: -

"9. As per the case of prosecution, accused, while getting employment, submitted a fake educational certificate, which has been alleged to be matriculation certificate, showing his wrong particulars i.e. date of birth. However, in the matter of present case there has not been placed and proved on record the alleged original forged matriculation certificate. As per the allegations the accused submitted the said forged matriculation certificate and thus cheated the S.S.P., Majitha.

Firstly, in this respect, the cheated SSP, Majitha, has not stepped into witness box in order to corroborate. It is equally a settled principle of law that forgery is not to be presumed, it has to be proved with cogent and convincing evidence, It has been so held by the Hon'ble Punjab & Haryana High Court in case "reported as"2003(3) Criminal Court Cases, page 616 titled as Dalip Singh vs. State of Punjab". During the whole investigation, the original document alleged to be forged, were not collected and photostat copies were taken into possession and relied. It is equally a settled preposition of law and by none other than the Supreme Court of India, itself in case reported as "1995 (2) Criminal Court Cases 18 (S.C.). titled as V.Sujatha State of Kerala & Ors." wherein the Hon'ble Court holds that the offence of forgery cannot be built upon Photostat copies of the documents. The Court further goes to hold that in the absence of original exhibits, being not produced at the trial, the offence of forgery cannot be built up with photostat copies punishable under the law. Now, here, also none of the witnesses deposed about the original of any such forged document. AW8 has been the Superintendent, Punjab School Education Board, who deposed that certificate having roll number 572627 was not issued to District Gurdaspur and it was not issued to any student, because it comes between the gap of roll numbers. Now, even then the original of the document was required. If any such document was produced by the accused before the competent recruitment authority, then it must have been in the custody and possession of that authority itself and no logical ground has even come forth, as to why, that document has not seen the light of the day then. So, in the absence of material forged document, the accused cannot be convicted on mere assumption and presumption. Moreover, the investigation is also silent as to who forged that document, what was the original document and what was fake document. In the absence of that material aspect, no reliance can be placed upon

the case of prosecution and it would be fair to hold that this case of prosecution lacks in sufficient material evidence to sustain the charges against the accused and thus, no reliance, as such, can be placed on the evidence led by prosecution on record to hold the accused guilty.”

7. From the perusal of above quoted findings, it is evident that petitioner was acquitted more or less on technical grounds i.e. non-production of original certificate. There was no question to produce original certificate by respondent because original is produced during the process of recruitment to match with photocopies. Actually, photocopies of all the testimonials are submitted. The Trial Court on technical grounds acquitted the petitioner. It is not the case of petitioner that he produced original matriculation certificate before Court and was acquitted on the ground that he had genuine and valid matriculation certificate. The petitioner, at the time of enlistment as SPO as per second matriculation certificate, was 14 years old. He initially submitted matriculation certificate with date of birth as 04.05.1972 and in the second certificate his date of birth was recorded as 10.03.1977. Fraud vitiates everything. Acquittal of the petitioner in the criminal case does not mean that he was a bona fide candidate and wrongly denied

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.