

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

**Criminal Revision No.158 of 1992**

Date of decision: January 31, 2008

Shingara Singh

... Petitioner

Versus

Mohan Singh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA**

Present: None.

**Kanwaljit Singh Ahluwalia, J. (Oral)**

Shingara Singh had filed a complaint that the school leaving certificate used for obtaining bail of Surjit Singh was forged. Smt. Shashi Kanta was the Headmistress of Government High School, Bachhauri. She was summoned along with one Mohan Singh to face trial under Sections 465 and 471. Aggrieved against the same, Smt. Shashi Kanta and Mohan Singh filed two revisions in the Court of Additional Sessions Judge, Hoshiarpur, who held that since the certificate was used in the Court, there is a bar under Section 195 (1)(b)(ii) of Cr.P.C. and held that until a complaint is filed by the Court, no cognizance would be taken.

A perusal of order of Sub Divisional Judicial Magistrate, Garhshankar, reveals that date was made to appear as 15<sup>th</sup> June, 1976 instead of 30<sup>th</sup> June, 1973. The complaint was filed on 6<sup>th</sup> June, 1990. School leaving certificate was issued in the year 1990. 17 years have

passed. Neither anybody has appeared for the petitioner nor for the respondent. To set the trial in motion after 17 years of the issuance of school leaving certificate, it will, in fact be causing a lot of hardship, when it is doubtful whether trial succeeds or not. Shingara Singh, complainant cannot espouse the cause of State or Court, for personal grudge. If in order to facilitate bail in pursuance of order passed by High Court, school leaving certificate tendered, some wrong date of birth has been given without going into applicability of Section 195 Cr.P.C., it is enough to observe that the majesty of Court is not to punish each and every wrong doer. Court in administration of justice, will not act as investigator. It will be too far-fetched to involve the headmistress of the school and Mohan Singh, especially when beneficiary of bail was one Surjit Singh, who is not accused. Once, the Hon'ble High Court had cancelled the concession of bail in favour of Surjit Singh, matter can be made to rest there only.

Hence, present revision petition is dismissed.

**[Kanwaljit Singh Ahluwalia]**  
**Judge**

**January 31, 2008.**  
**rps**