

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

**CRR-2726-2017 (O&M)
Date of Decision:19.07.2018**

Gajju Alias Gaje Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Ms. Deepa Jain, Advocate
for the petitioner.

Mr. Munish Sharma, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant criminal revision petition, petitioner has questioned the validity of the judgment dated 13.7.2017 passed by the Additional Sessions Judge, Faridabad whereby his appeal was dismissed against the judgment/order of sentence dated 30/31.03.2015. Petitioner was convicted in case FIR No.675 dated 22.12.2009 under Section 420/120-B of IPC registered at Police Station Central Faridabad and sentenced to rigorous imprisonment for six months and to pay a fine of Rs.500/-. In default of payment of fine, petitioner has to undergo further RI for one month.

2. Brief facts of the case are as under:

The case of the prosecution is that on 22.12.2009, an information has been received from the court of Sh. A.K. Singhal, the then learned ADJ, Faridabad to take action against accused Het Lal and Gahhu. It is the case that accused Het Lal was a procured surety and he admitted the fact of questioning of learned ADJ, Faridabad that he was a procured surety and he had already stood surety in some other cases, however, that was for 2-3 relatives and also during inquiry, it surfaced that one Gajju @ Gaje resident of Village Rajpur had asked Het Lal to become surety for the appellant in case titled "Naveen Vs. State of Hr.". Further it is the case that Het Lal is

fake surety and the affidavit, given by him that he never stood surety earlier is false. In this way he tried to cheat the court and has given false affidavit. SHO, P.S. Central, Faridabad was also directed to take action against Het Lal as per law. It was also directed to trace Gajju resident of village of Rajpur, who was the kingpin of persons offering fake sureties in the court campus and to take action against him as per law. On the basis of the complaint, a case under Section 420, 464, 471, 120-B IPC was registered. During investigation accused persons were arrested, their disclosure statements were recorded by the police, statements of witnesses u/s 161 Cr.P.C recorded. On completion of investigation, challan u/s 173 Cr.P.C was filed in the court.

3. Learned counsel for the petitioner at the very out-set of the argument submitted that he do not want to argue the matter on merit and submitted that petitioner has already undergone 5 months and 19 days of custody and petitioner sentence be modified to the period he has already undergone.

4. On the other hand, learned State counsel prayed for the dismissal of the appeal and endorse his no objection to the reduction of sentence for the period already undergone by him which is 5 months and 19 days.

5. Heard the learned counsel for the parties.

6. No doubt there is sufficient material to hold the petitioner guilty by the trial Court and that there is no infirmity in the conviction and sentence order as well as in the appellate court order with reference to the averments made by the petitioner in respect of furnishing surety. However, in view of the fact that petitioner has been sentenced to undergo rigorous

imprisonment for six months for the offence under Section 420 IPC read with Section 120-B IPC and to pay a fine of Rs.500/- and pursuant to the same, petitioner has undergone 5 months and 19 days of custody and the petitioner do not want to argue the revision on merit. Therefore, sentence is modified from six months to the period already undergone by him. However, fine portion of the order shall remain intact.

7. Revision petition stands disposed of accordingly.

19.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**