

CRR-401-2024

#1#

294

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRR-401-2024

Date of Decision:-02.04.2024

GOBIND

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Rajinder Goel, Advocate  
for the Petitioner.

Mr. Rajiv Goel, DAG, Haryana.  
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**JASJIT SINGH BEDI, J.**

The instant revision petition has been preferred by the petitioner-accused against the judgment dated 19.02.2024 passed by the Sessions Judge, Ambala whereby the judgment of conviction and order of sentence dated 13/16.07.2018 passed by the Judicial Magistrate 1<sup>st</sup> Class, Ambala has been upheld.

2. As per the prosecution case, the petitioner while attempting to stand surety for an accused Gobind son of Ram Murti furnished an affidavit that he was the sole owner of a house constructed on a plot measuring 236 Sq. yards at Village Babyal, Anand Nagar, Tehsil and District Ambala valued at Rs.10,00,000/-. He also produced the original sale deed registered on 27.03.2015 in support of his assertion that he was the owner. However, a perusal of the sale deed revealed that his wife and not he was the owner.

3. Pursuant to the registration of the FIR, the report under Section

CRR-401-2024

#2#

173(2) Cr.P.C. was submitted and on conclusion of the Trial, the petitioner came to be convicted convicted and sentenced by the Court of Judicial Magistrate 1<sup>st</sup> Class, Ambala vide judgment of conviction and order of sentence dated 13/16.07.2018 as under:-

| Sr.No. | Offence under Sections | Imprisonment                 | Fine     | In default of fine imprisonment |
|--------|------------------------|------------------------------|----------|---------------------------------|
| 1.     | Section 197 IPC        | RI for a period of 06 months | Rs.500/- | RI for 15 days                  |
| 2.     | Section 198 IPC        | RI for a period of 06 months | Rs.500/- | RI for 01 days                  |
| 3.     | Section 420 IPC        | RI for a period of 06 months | Rs.500/- | RI 15 days                      |

All the aforesaid sentences were ordered to run concurrently.

4. The petitioner preferred an appeal before the Court of Sessions Judge, Ambala which came to be dismissed vide judgement dated 19.02.2024.

5. The aforementioned judgments are under challenge in the present petition.

6. The learned counsel for the petitioner contends that the Courts below have failed to take into consideration the fact that the four witnesses who had been examined were not able to establish the case against the petitioner. The affidavit that was purportedly furnished by the petitioner at the time of securing the release of Rajat was not attested either by the Notary or any authorised person. Thus, the affidavit itself was not a complete document being an unattested one. At best it could be said to be a simple declaration regarding the property held by him. Therefore, the conclusion of the Courts below that the petitioner furnished a false affidavit was erroneous. In fact, the petitioner on account of an inadvertent mistake furnished the sale deed of the property owned by his wife. There was no

CRR-401-2024

#3#

*mens rea* on his part. A perusal of the documents Ex.D1 and D2 would reveal that the petitioner was the owner of immovable property in his own name and could very well have produced the same at the time of furnishing surety bonds instead of the papers of his wife. He, therefore contends that the judgments of conviction were liable to be set aside and the petitioner ought to be acquitted of the charges framed against him.

7. The custody certificate has been placed on record by the learned State counsel, which indicates that the period of custody actually undergone by the petitioner is 01 month and 29 days out of the sentence awarded of 06 months. He contends that the offence against the petitioner stood established beyond reasonable doubt based on the evidence led by the prosecution. The petitioner not only furnished a false affidavit but also brought on record the sale deed of a property owned by his wife. As all the grounds raised by the petitioner in the instant petition have been considered and dealt with by the Trial Court and the Lower Appellate Court, there was no reason to interfere with the well-reasoned judgments of the Courts below and the present petition was liable to be dismissed.

8. I have heard learned counsel for the parties.

9. A perusal of the deposition of PW1-Mohinder Singh, PW2-Arvinderjit Kaur, PW3-ASI Mukesh Kumar and PW4-Inspector Rajnish SHO would clearly show that the offence was indeed committed by the petitioner. He not only furnished a false affidavit but also placed on record property papers of his wife instead of his own while standing surety for one Gobind son of Ram Murti. Therefore, the offence stands established beyond reasonable doubt.

10. In view of the above discussion, I find no grounds to interfere

CRR-401-2024

#4#

with the well reasoned judgments of the Trial Court and the Lower Appellate Court. Therefore, the present petition stands dismissed.

11. As regards the imposition of sentence, it may be pertinent to mention here that the occurrence pertains to June, 2015. The petitioner has clean antecedents as is evident from the custody certificate placed on record by the learned State counsel. In this situation, while upholding his conviction, I deem it appropriate to reduce the substantive sentence of the petitioner to the period already undergone by him i.e. 01 month and 29 days out of the sentence awarded of 06 months. However, the sentence of fine and sentence in default of payment of fine shall remain intact.

12. The revision petition stand disposed of in the above terms.

( JASJIT SINGH BEDI )  
JUDGE

02.04.2024

jitesh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |