



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

CRR-1598-2022

Date of decision: 18.10.2024

Manjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaurav, Advocate for
Mr. Kulwinder Singh, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner Manjit Kaur.
2. The brief facts of the case are that FIR No.188 dated 11.08.2010 under Sections 465, 467, 471 and 120-B IPC was registered in Police Station City-1, Mansa against the present petitioner with the allegations that petitioner stood surety for accused Kulwinder Singh in a criminal case having FIR No.90 dated 17.04.2010 under Sections 399 and 402 IPC in pursuance of bail order dated 01.06.2010 passed by the Court of Sessions Judge, Mansa. While submitting her surety bond before the Court of Additional Chief Judicial Magistrate, Mansa, petitioner filed an affidavit that she is owner of the property detailed in the surety bond and that she would not alienate the said property and the copy of the sale deed dated 20.12.2004 pertaining to the said property which was in the name of the



petitioner, was also placed on record. Thereafter, one Sardara Singh filed an application in the Court of Additional Chief Judicial Magistrate, Mansa stating that Manjit Kaur gave false affidavit as she had already sold her property to some third person, prior to submission of surety bond. The Court concerned reported the matter to Police Station City Mansa for taking action against Manjit Kaur in accordance with law. After inquiry, FIR was registered in the present case and during investigation, the accused persons including the petitioner were arrested. On completion of investigation, challan was presented under Section 173 Cr.P.C.

3. *Prima facie* case being made out the charge was framed under Sections 120-B, 420, 465, 467, 468, 471 and 200 IPC against the accused persons to which they did not plead guilty.

4. In order to prove its case, prosecution examine PW-1 Lakhbir Singh Sran, Advocate who proved the attestation of affidavit of Manjit Kaur and he also proved relevant entry of his register Ex.PW-1/A. PW-2 Baldev Singh, Halka Patwari proved mutation No.4832 dated 15.06.2005 as per which Manjit Kaur sold her property to Bhola Singh etc. vide sale dated 24.05.2005. PW-3 Manoj Kumar, Jr. Assistant in the office of SDM, Budhlada proved sale deed Ex.PW-3/A dated 24.05.2005 and another sale deed Ex.PW-3/B dated 20.12.2004 whereby Manjit Kaur purchased property in question from Sukhdev Singh. PW-4 Bhola Singh deposed that he purchased the property in question from Manjit Kaur vide sale deed Ex.PW-3/A dated 24.05.2005. PW-5 Jagdish Bansal deposed that Mithu Singh handed over the sale deed to his wife Manjit Kaur to stand as surety for Kulwinder Singh in criminal case having FIR No.90 dated 17.04.2010.



PW-6 Ashwani Kumar, Reader in the Court of B.S. Sran, Additional District and Sessions Judge, Mansa proved application Ex.PW-6/A dated 10.08.2010, another application Ex.PW-6/B dated 02.06.2010, bail bonds Ex.PW-6/C, copy of order Ex.PW-6/D, certified copy of affidavit of Manjit Kaur Ex.PW-6/E and other documents Ex.PW-6/F, Ex.PW-6/G, ExPW-6/H and Ex.PW-6/I. PW-7 Sardar Singh supported the case of prosecution and he proved application Ex.PW-7/A which was moved by him to the Court of Civil Judge, Senior Division Mansa. PW-8 ASI Parsan Singh and PW-9 ASI Rajender Singh proved the investigation carried out by the police in the present case.

5. The accused were examined under Section 313 Cr.P.C. They pleaded innocence and false implication. However, accused did not lead any evidence in their defence.

6. After hearing the counsel for the parties, the learned trial Court vide judgment and order dated 09.01.2017 acquitted co-accused Gobind Singh and Mithu Singh but Manjit Kaur was convicted and sentenced to rigorous imprisonment for a period of two years and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 10 days under Section 200 IPC. Manjit Kaur was acquitted of all the other offences.

7. Being aggrieved, Manjit Kaur filed appeal against the aforesaid judgment and order dated 09.01.2017 passed by the Court of Chief Judicial Magistrate, Mansa. The said appeal was dismissed by the Court of learned Sessions Judge, Mansa vide judgment dated 20.07.2022.

8. I have heard the counsel for the parties.



9. The entire case is based on documentary evidence. From the perusal of the concerned documents, it stands fully proved that the petitioner gave false affidavit while furnishing surety bond on behalf of Kulwinder Singh who was accused in a criminal case having FIR No.90 dated 17.04.2010 and was granted bail by the Sessions Court Mansa vide order dated 01.06.2010. While furnishing her surety bond, Manjit Kaur also filed an affidavit to the effect that she is owner of the property mentioned in her surety bond. However, the said property was already sold by the petitioner to Bhola Singh and others much prior to submission of aforesaid surety bond by her. In this manner, it was fully proved on the record that petitioner made false declaration in her affidavit submitted in the Court, knowing fully well that the same was false. The counsel appearing on behalf of the petitioner failed to point out any illegality or perversity regarding the findings of the fact recorded by the trial Court and upheld by the Court of Sessions Judge, Mansa. Therefore, the judgment of conviction passed by the trial Court and upheld by the Court of Sessions Judge, Mansa is hereby affirmed.

10. The counsel appearing on behalf of the petitioner pleaded that incident in question had taken place 14 years back and the petitioner has undergone more than 7 months out of total sentence of 2 years and is having no criminal history. So, prayer is made that the sentence of petitioner may be reduced to already undergone period.

11. Admittedly, petitioner is a lady aged about 58 years and is having no criminal antecedents and has suffered the agony of protracted trial spanning over a period of 14 years. The petitioner has already



undergone more than 7 months out of total sentence of 2 years.

12. In totality of the facts and circumstances of this case, the Court is of the view that ends of justice would be met if sentence imposed upon the petitioner is reduced to the one already undergone by her.

13. Accordingly, the revision petition is partly allowed, conviction is confirmed but sentence is reduced to the period already undergone by the petitioner. However, the fine imposed by the trial Court remains intact.

18.10.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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