



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

CRR-547-2012 (O&M)
Date of Decision: 07.04.2026

Som Nath

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.K.Verma, Advocate
 for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 15.02.2012 passed by the Court of Sessions Judge, Jind and the judgment of conviction and order of sentence dated 09.11.2011 passed by the Court of Special Judicial Magistrate, Jind, whereby the petitioner was convicted for the commission of the offences punishable under Section 13-A(3)-67 of the Public Gambling Act, 1867 and was sentenced to undergo rigorous imprisonment for a period of three months.

2. The brief facts of the case are that on 21.06.2011, Sub Inspector Ram Avtar of Police Station City, Jind along with Head Constable Jagdeep Singh, EHC Ashok Kumar and Constable Wazir Singh was present at Railway Road, near Patiala Chowk, Jind in connection with patrolling and crime checking. A secret informer gave him information that Som Nath, accused was habitual of 'satta khaiwali' and today also was doing so while standing in front of his house by saying in loud voice that 'satta was a game of luck and a person



would get Rs. 90/- after deducting commission against Re.1/- if he succeeds in his number, otherwise the staked amount would be forfeited. On receipt of this information, he searched the person of Head Constable Jagdeep Singh, who was already in civil dress and giving currency note of Re. 100/- bearing No. JND 477057. He directed him to go and stake it at number 5 and after obtaining receipt from the accused to give signal to him by moving his hand over his head, whereas he along with the other police officials started waiting for his signal while standing by the side of a wall at some distance from the place of occurrence. In the meantime, bogus punter Head Constable Hardeep Singh gave the directed signal, upon which he along with the accompanying police officials overpowered the 'khaiwal'. On asking, he disclosed his name as Som Nath son of Triveni, Resident of Ward No. 1 Loco Colony, Jind. He was having a paper written 21.06.2011 on its top and digits 01/25 in the beginning and 5/100 in its bottom on a cardboard and a ball pen in his left and right hands respectively. On his personal search, a sum of Rs. 11,015/- including marked currency note of Rs. 100/- bearing No. JND 474057 were recovered from the front pocket of his shirt. Bogus punter Head Constable Jagdeep Singh produced a 'satta' slip mentioning '5/100' and Som Nath in Hindi script besides date 21.06.2011. The aforesaid articles were taken into police possession vide a separate recovery memos. He sent rukka to the Police Station City, Jind on the basis of which a case under Section 13(A) of the Gambling Act, 1867 was registered against the accused vide aforesaid FIR. The accused was arrested. After completion of investigation, final report under Section 173 Cr.P.C. was filed against him in the Court of learned Illaqua Magistrate.



3. After presentation of the challan, the petitioner was charge-sheeted under Section 13(A)-(3)-67 of Public Gambling Act, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined SI Ram Avtar as PW-1 and HC Jagdeep Singh as PW-2 and thereafter, the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. The petitioner chose not to lead any defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution had examined PW-1, SI Ram Avtar, Investigating Officer of the present case, who supported the case of the



prosecution in totality, whereas, HC Jagdeep Singh was examined as PW-2, who also supported the case of the prosecution. Still further, the Investigating Officer had prepared raiding party and HC Jagdeep Singh, who was already in civil dress was made bogus punter and after making search, he was given Rs. 100 note bearing No. JLD 477057 vide Ex.PW1 to stake at number 5. He was instructed that after getting parchi satta to make signal to the raiding party. He went to the petitioner with Rs. 100/- to stake at number 5 and after getting parchi satta from the petitioner, he gave already decided signal to the raiding party and after getting signal raid was conducted and petitioner was caught and searched. He was having ball pen in the right hand, piece of gatta with parcha satta, vide Ex. PB in the left hand. Also, Rs. 11,015/- were recovered from his shirt pocket. All these satta articles were taken into custody vide Ex.PB1. HC Jagdeep Singh produced parchi satta, which was taken into custody vide Ex.PC-1. Tehrrir, vide Ex.PD was given to Constable Wazir for the registration of formal FIR, which was registered vide Ex.PD-1. Rough site plan was prepared vide Ex.PE. Statement of witnesses were recorded. Case property was given to the MHC. In cross-examination, he admitted that Patiala Chowk is a busy place. There are many residential houses. He tried to make public witness but they refused and expressed their compulsion. He did not record their names. From the statements of both the witnesses, it was apparent that the petitioner was rightly held guilty for committing offence under Section 13(A)-(3)-67 of Public Gambling Act. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.



10. Now, advertng to the order on quantum of sentence, this Court cannot lose sight of the fact that the FIR in the present case was registered on 21.06.2011 and the petitioner is facing the agony of trial/appeal/revision since last more than 15 years. Even from his custody certificate, it is apparent that he had already undergone 01 month and 22 days of actual custody, out of total sentence of 03 months and was never involved in any other crime. Even the sentence imposed on the petitioner was suspended by this Court on 04.04.2012 and in the last about 14 years, he has consistently maintained good conduct. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him.

12. Pending applications, if any, stand also disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

07.04.2026
hemlata

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