

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

**Criminal Appeal S-1882-SB of 2003**

**Date of Decision: August 19, 2015**

Gurdev Singh

.....Appellant

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN**

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Present : Mr. G.S.Sandhu, Advocate  
for the appellant.

Mr. Vikram Bishnoi, Assistant Advocate Genral, Punjab.

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**T.P.S.MANN, J. (Oral)**

The appellant has filed the present appeal for challenging the judgment and order dated 22/24.3.2003 passed by the Additional Sessions Judge (Adhoc), Patiala, whereby he was convicted for committing offences punishable under Sections 332/333/353/427/148/149 IPC and sentenced to the period already undergone by him and to pay a fine of Rs. 5,000/-.

The case of the prosecution, in nutshell, is that on

26.8.2000, the appellant alongwith Jasbir Singh, Baljit Singh, Gurmit Singh, Bhupinder Singh and Bhajan Singh had caused injuries to Rajan Sharma, Sukhbir (Lakhbir Singh) and Karamjit Singh.

At the trial of the case, the prosecution examined seven witnesses in support of its case. When all the accused including the appellant were examined under Section 313 Cr.P.C., they denied the prosecution allegations and pleaded innocence, however, on 22.3.2003, the appellant and his co-accused appeared before the trial Court and made respective statements wherein they confessed their guilt to the charges framed against them. Accordingly, the appellant and his co-accused were convicted for the aforementioned offences and sentenced to the period already undergone by them besides paying a sum of Rs. 5,000/- each as fine.

Learned counsel for the appellant has submitted that even according to the prosecution, the injury attributed to the appellant and caused to PW2 Karamjit Singh was found to be simple in nature. During the investigation of the case, the appellant was found innocent. Later on, he was summoned under Section 319 Cr.P.C. as additional accused.

It is also submitted that the appellant had been serving as an Assistant Lineman with the Punjab State Electricity Board. The appellant is not a previous convict and is suffering the agony of criminal prosecution for the last about fifteen years. Prayer has, accordingly, been made for setting aside the sentence of imprisonment imposed upon the appellant and for releasing him on probation.

Learned State counsel has opposed the prayer made on behalf of the appellant by submitting that at the relevant time the appellant and his co-accused had voluntarily caused injuries to the three injured, who were public servants being employees of the Forest Department. Learned State counsel, however, could not dispute the fact that the injury attributed to the appellant was found to be simple in nature.

Having heard learned counsel for the parties, this Court is of the considered opinion that the appellant deserves to be granted the concession of probation.

Resultantly, the conviction of the appellant is upheld. His substantive sentence of imprisonment on all the counts is set aside. Instead, he is ordered to be released on probation on his furnishing bonds to the satisfaction of the

Chief Judicial Magistrate, Patiala, to keep peace and be of good behaviour for a period of one year and to receive sentence as and when called upon to do so. The fine imposed upon the appellant, which had already been deposited by him before the trial Court, shall be paid as compensation to PW4 Rajan Sharma.

The appeal is, accordingly, disposed of.

**August 19, 2015**  
**amit rana**

**( T.P.S. MANN )**  
**JUDGE**