

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

CRR No. 3216 OF 2013 (O&M)  
DATE OF DECISION : 29<sup>th</sup> JULY, 2015

**Gurmit Singh & others**

.... Petitioners

**Versus**

**State of Punjab**

.... Respondent

**CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA**

\* \* \* \*

Present : Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.  
Mr. Yogesh Gupta, Assistant Advocate General, Punjab.

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**SURINDER GUPTA, J. (ORAL)**

Heard.

The petitioners were convicted by the trial Court for offence punishable under Section 148, 325, 324 and 323 read with Section 149 and sentenced to undergo rigorous imprisonment extending up to maximum of one year. The sentence awarded was upheld by the appellate Court vide judgment dated 07.09.2013.

Brief facts:

As per the prosecution version, the occurrence took place on 29.10.2006 in the street of village Alladadpur, Police Station Amloh. As per the allegations petitioner Jangir Singh son of Khazan Singh and Gulbagh Singh @ Dulla son of Gurmit Singh armed with sword and dang respectively, accompanied by other petitioners namely Gurmit Singh, Balwinder Singh and Jatinder Singh, came to the street where the complainant was standing outside his house. On the *lalkara* raised by Gurmit Singh, Jangir Singh gave four blows of sword on the head of the

complainant while Dulla gave one blow of his dang over the finger of the right hand and two dang blows on the back of the complainant. Brother of the complainant namely Karnail Singh intervened and he was also given two blows of dang by petitioner-Dulla. The *raula* raised by the complainant and his brother attracted Manjit Kaur and his other relatives to the spot. It is alleged that petitioner-Jatinder Singh @ Reeta and Balwinder Singh @ Rinku gave kick blows to the complainant when he was lying on the ground.

Learned counsel for the petitioners has confined his argument only with regard to the quantum of sentence awarded to petitioners Gurmit Singh, Balwinder Singh and Jatinder Singh, without challenging their conviction as recorded by the trial Court and upheld by the appellate Court. He further submits that petitioner-Gurmit Singh is aged about 70 years and was attributed *lalkara* only. Gurmit Singh and Jatinder Singh belong to the same family and no specific injury was attributed to Balwinder Singh or Jatinder Singh. About the kick blows attributed to petitioners Balwinder Singh and Jatinder Singh, Jangir Singh while appearing as PW-1 has nowhere stated that he was given any kick blows by these persons.

Learned State counsel has argued that the occurrence was the result of the common intention of all the five persons. The complainant was caused seven injuries, out of which four were on his head while his brother Karnail Singh had suffered six injuries from the hands of the petitioners and the courts below have awarded the sentence, keeping in view the gravity of the offence committed by the petitioner-Gurmit Singh Balwinder Singh and Jatinder Singh.

I have gone through the judgment passed by the courts below and have also perused the lower court record with the assistance of learned counsel for the petitioners and learned State counsel.

On perusal of the file I find that there is no specific injury attributed to petitioners Gurmit Singh, Balwinder Singh and Jatinder Singh. The role attributed to them was that they came to the street with a common intention to cause injuries to the complainant. Gurmit Singh-petitioner was attributed *lalkara* while petitioner Balwinder Singh and Jatinder Singh were unarmed and did not cause any injury to complainant or his brother.

Keeping in view the role attributed to the petitioners Gurmit Singh, Balwinder Singh and Jatinder Singh and the fact that they have undergone about six months of imprisonment, I am of the opinion that the interest of justice shall be fully served if the sentence awarded to them is modified and reduced to the period of imprisonment already undergone by them.

The petition filed by Gulbagh Singh @ Dulla and Jangir Singh is dismissed. The conviction of the petitioners No.1-Gurmit Singh, petitioner No.2-Balwinder Singh @ Rinku and petitioner No.5-Jatinder Singh @ Reeta as recorded by Court below is maintained, however, sentence of imprisonment awarded to them is modified and reduced to the period of imprisonment already undergone by them. They be released forthwith if not required in any other case.

29<sup>th</sup> July, 2015  
'raj'

**(SURINDER GUPTA)**  
**JUDGE**