

In the High Court of Punjab and Haryana at Chandigarh

1. Crl. Revision No. 3594 of 2014 (O&M)
Date of decision: 27.1.2015

Nirlep SinghPetitioner

Versus

State of PunjabRespondent

2. Crl. Revision No. 3792 of 2014 (O&M)

Puran SinghPetitioner

Versus

State of PunjabRespondent

3. Crl. Revision No. 3795 of 2014 (O&M)

Rajinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Chopra, Advocate
for the petitioners.

Mr. K.S.Aulakh, AAG, Punjab.

SABINA, J.

Vide this order, above mentioned three petitions would
be disposed of as they have arisen out of one occurrence.

Petitioners had faced the trial qua commission of offence punishable under Section 324, 326 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 138 dated 28.11.2002, registered at Police Station Bassi Pathana.

Prosecution story, in brief, is that on 27.11.2012, at about 9.30 P.M., complainant Balbir Singh was irrigating his crop with the help of electric motor. At that time, Nirmaljit Singh, nephew of his sister Sukhwinder Kaur, came to the spot in a vehicle to meet the complainant. Complainant and Nirmaljit Singh were talking to each other. Petitioners Puran Singh, Rajinder Singh armed with *gandasis* and petitioner Nirlep Singh came there at about 9.45 P.M. On a *lalkara* raised by Nirlep Singh, Rajinder Singh gave a *gandasi* blow on the forehead of Nirmaljit Singh. Puran Singh gave a *gandasi* blow on the left wrist of the complainant. Nirlep Singh-petitioner gave fist blows on the face of Nirmaljit Singh. In the meantime, Sapinder Singh, son of the complainant, reached the spot. All the petitioners fled away from the spot. The motive behind the occurrence was that there was a civil dispute pending between the complainant and the petitioners qua the land of the father of the complainant and the petitioners wanted to forcibly encroach upon the land of the complainant.

Trial Court vide judgment/order dated 16.8.2012 ordered the conviction and sentence of the petitioners qua commission of offence punishable under Section 324, 326, 34 IPC. Aggrieved against the said judgment/order of their conviction and sentence, petitioners preferred three separate appeals and the same were dismissed by the Appellate Court vide order dated 1.10.2014. Hence, the present petitions by the petitioners.

Learned counsel for the petitioners has submitted that petitioners had been falsely involved in this case due to pendency of civil litigation between the parties.

Learned State counsel, on the other hand, has opposed the petition and has submitted that prosecution had been successful in proving its case.

During trial, complainant Balbir Singh appeared in the witness box as PW-1 and injured Nirmaljit Singh appeared in the witness box as PW-2 and they deposed as per the contents of the FIR.

As per PW-3 Dr. S.K.Khullar, injured Nirmaljit Singh had suffered following injuries on his person:-

- 1. Incised wound 6 cm x 1 cm x 1 cm transfer on the frontal side of scalp just near the start of the hair line. Fresh blood present. Comp. Pains area is tender. Advised X-ray skull frontal AP and lateral views.*
- 2. A linear scar mark 2 cm on the front of forehead in between the two eye brows area is tender advised X-ray frontal bone AP and lateral view.*

As per the said witness, both the injuries were declared grievous in nature and both the injuries were opined to have been inflicted with a sharp edged weapon.

As per PW-3 Dr. S.K.Khullar, injured Balbir Singh had suffered following injury on his person:-

- 1. Incised wound 2 cm x 1 cm on the back of left arm. Fresh blood is present complaints of pain. Area is*

tender. Advised X-ray left forearm. AP and lateral view.”

As per the said witness, the said injury was also with a sharp edged weapon. The doctor further declared the said injury to be simple in nature.

Thus, the ocular version is duly corroborated by medical evidence. Both the Courts below after appreciating the evidence on record had, thus, rightly ordered the conviction of the petitioners under Section 324, 326, 34 IPC.

So far as the sentence qua imprisonment of the petitioners is concerned, let us see the role played by each of the petitioner at the time of occurrence.

All the petitioners are real brothers. So far as petitioner Nirlep Singh is concerned, he was allegedly unarmed at the time of occurrence. Nirlep Singh had given fist blows on the face of Nirmaljit Singh.

So far as petitioner Puran Singh is concerned, he had given an injury on the person of Balbir Singh on his left wrist with the *gandasi* and the said injury was declared to be simple in nature.

Petitioner Nirlep Singh has undergone about 3½ months of actual sentence whereas petitioner Puran Singh has undergone more than four months of actual sentence.

In the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of petitioners Nirlep Singh and Puran Singh to the period already undergone by them.

Accordingly, conviction of petitioners Nirlep Singh and

Puran Singh under Section 324, 326, 34 IPC, is maintained. However, sentence qua imprisonment of petitioners Nirlep Singh and Puran Singh is reduced to the period already undergone by them. Petitioners Nirlep Singh and Puran Singh, who are in custody, be set at liberty forthwith, if not required in any other case.

Criminal Revision No. 3594 of 2014 and Criminal Revision No. 3792 of 2014 stand disposed of accordingly.

So far as petitioner Rajinder Singh is concerned, he has given an injury on the forehead of injured Nirmaljit Singh with a *gandasi* and the said injury was declared grievous in nature. Injured Nirmaljit Singh had suffered a fracture on his head. In these circumstances, conviction and sentence of petitioner Rajinder Singh, as ordered by the Courts below, are liable to be upheld.

Accordingly, Criminal Revision No. 3795 of 2014 is dismissed.

(SABINA)
JUDGE

January 27, 2015
Gurpreet