

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3834 of 2015 (O&M)****Date of Decision: October 19, 2015**

Jaswinder Singh alias Raju and others

...Petitioners

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Kanwaljeet Singh Brar, Advocate
for the petitioners.Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Jaswinder Singh alias Raju, Jeevan Singh @ Jagga, Rajinder Singh @ Bagga and Darshan Singh @ Gurdarshan Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 25.11.2014 passed by learned Sub Divisional Judicial Magistrate, Phul, vide which the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months each under Section 452 read with Section 34 IPC and they were further sentenced to undergo rigorous imprisonment for a period of six

months and to pay of fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month each under each Section 323 and 427 read with 34 IPC and also challenging the judgment dated 23.09.2015 passed by learned Addl. Sessions Judge, Bathinda, vide which appeal filed by petitioners was dismissed.

The brief facts of the case are that FIR in the present case was registered on the statement of Yogesh Kumar, who stated that on 28.01.2011, he was tying the buffalo inside the house from the cattle shed. The gate of cattle shed was open. The electricity bulb was glowing. Then Jeevan Singh @ Jaggu armed with *soti*, Jaswinder Singh @ Raju armed with iron pipe, Darshan Singh and Rajinder Singh @ Bagga, both armed with *sotis*, entered into the cattle shed. Darshan Singh and Rajinder Singh raised *lalkara*. Jaswinder Singh hit him (Yogesh Kumar) with iron pipe on his forehead and on the right hand. Jeevan Singh hit him with *soti* on the right thigh. Darshan Singh and Rajinder Singh hit him on the chest and right biceps.

PW-4 Dr.Seema Garg has been examined. Five injuries were found out of which two injuries are complaint of pain. One injury is reddish bruise with small red abrasion on front of middle of right thigh, second injury is red abrasion of dorsum at the base of thumb and third injury is red abrasion on lateral end of left eye-brow with diffuse swelling.

Notice of motion was issued and learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioners has not disputed the conviction of the present petitioners and only prayed for reduction of sentence.

After hearing learned counsel for the petitioners as well as learned State counsel and after going through the record, I find that the petitioners are first offenders. The injuries attributed to them are only under Section 323 IPC. They were neither armed with sharp-edged weapons nor with firm arm weapon. The allegations regarding trespass is only to cattle shed. Learned counsel for the petitioners argued that Rajinder Singh and Darshan Singh remained in custody for about 17 days during the pendency of the trial. The petitioners are already in custody for the last about one month since the decision of the appeal by learned Addl. Sessions Judge, Bathinda on 23.09.2015.

Keeping in view the facts and circumstances of the present case, nature of the offence and the fact that the petitioners have already suffered long protracted criminal trial for more than 4½ years and in view of the fact that the petitioners are first offender and petitioners Jaswinder Singh @ Raju, Jeevan Singh @ Jagga, Rajinder Singh @ Bagga were of young age and petitioner Darshan Singh @ Gurdarshan Singh was aged about 67 years at the time of occurrence, the present revision petition is partly accepted and the sentence of the petitioners is reduced to the sentence already undergone by them. Petitioners Jaswinder Singh alias Raju, Jeevan Singh alias Jagga, Rajinder Singh alias Bagga and Darshan Singh alias Gurdarshan Singh, who are in custody, be released forthwith, if

their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

October 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE