

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4212 of 2014 (O&M)
Date of Decision: January 09, 2015

Resham Singh and others

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jatinderpal Singh Brar, Advocate
for the petitioners.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioners Resham Singh, Gurbinder Singh and Babbi have filed this revision petition under Section 401 Cr.P.C. against State of Punjab respondent challenging the impugned judgment dated 09.12.2014 passed by learned Addl. Sessions Judge, Bathinda.

It is mainly stated in the petition that impugned judgments and order passed by the Courts below are against the facts, contrary to law and as such, same deserve to be set aside. The Courts below have side-tracked the oral as well as documentary evidence while passing the impugned judgments and order which are bereft of reasoning and hence liable to be set aside.

At the time of preliminary hearing, learned counsel for the petitioners did not dispute the concurrent findings of the Court below

regarding conviction and contended only on the point of reduction of sentence and notice of motion was issued only on the quantum of sentence.

Learned State counsel appeared and contested the petition.

Today, again learned counsel for the petitioners prayed that sentence imposed upon the petitioner may be reduced.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

The brief facts of the case are that FIR was registered on the basis of statement of complainant Boota Singh in which he stated that Resham Singh gave gandas blow on his head, Jaskaran Singh gave dang blow on the upper side of his left eye, Jit Singh gave dang blow on left shoulder of the complainant. Gurbinder Singh gave dang blow on the elbow of the complainant, Babbi Singh gave dang blow on his left wrist and Gikki Singh gave dang blow on his left hand. Complainant further stated that he, Kala Singh, his mother Malkiat Kaur and wife Harpreet Kaur raised alarm and they tried to save complainant but accused gave blow on his right arm and also gave injuries to Malkiat Kaur and Harpreet Kaur and during this fight, ear rings of Harpreet Kaur weighing about half tola also fell down and same were also taken away by the accused.

Learned Judicial Magistrate Ist Class, Bathinda convicted present petitioners along with other accused. Petitioners were sentenced to undergo rigorous imprisonment for a period of six

months each under each Sections 148, 452 and 324 read with 149 IPC along with fine of ₹200/- each. All the sentences were ordered to run concurrently.

From the record, I find that the petitioners have been convicted only under Sections 452, 324, 148 and 149 IPC and have been sentenced to undergo rigorous imprisonment for maximum period of six months. The petitioners are already in custody since the dismissal of appeal by learned Addl. Sessions Judge, Bathinda vide judgment dated 09.12.2014 i.e. for the last one month. The petitioners are facing trial since 2009 i.e. for the last six years. The petitioners are young persons and first offenders.

Keeping in view the facts and circumstances of the present case, the revision petition is partly allowed. The sentence imposed upon the petitioners is reduced to the sentence already undergone by them. Petitioners Resham Singh, Gurbinder Singh and Babbi be set at liberty forthwith, if their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

January 09, 2015
Vgulati

(INDERJIT SINGH)
JUDGE