

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Revn No. 541 of 2014 (O&M)
Date of decision : 02.02.2015

Balwant SinghPetitioner

versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.D.S. Sodhi, Advocate
for the petitioner.

Mr. Daljeet Singh Virk, AAG, Punjab

RITU BAHRI , J. (Oral)

Challenge is to the judgment dated 05.03.2012 passed by the then Judicial Magistrate Ist Class, Jagraon holding the petitioner guilty of offences punishable under Section 325 IPC and sentenced him to undergo rigorous imprisonment substantially for a period of two years and judgment dated 15.01.2014 passed by the learned Addl. Sessions Judge, Ludhiana, whereby he modified the order to the extent that the petitioner was ordered to be released on probation on his furnishing probation bonds to the tune of Rs.50,000/- with one surety in the like amount for one year with an undertaking to appear and receive the sentence whenever called upon to do so during the period of one year.

The prosecution story in brief is that on

29.07.2008, Kulwant Singh r/o Village Nangal, P.S. Sudhar, Distt. Ludhiana suffered a statement before HC Rajinder Singh to the effect that on 24.07.2008 in the area of village Nangal Kalan, he was going from the motor of Darbara Singh towards his house on his motorcycle bearing registration No. PB-10-BJ-5172. When he reached on the road in the middle of land within the territorial limits of Village Mai Kalan, the accused Amarjit Singh, Balwant Singh armed with iron rods, Amandeep Singh, Harjinder Singh armed with wooden dandas were standing on the road and they signalled the complainant to stop and when he stopped Balwant Singh gave rod blow on his right feet, but the complainant fled away from the spot on his motorcycle.

After going through the evidence led by the parties, the trial convicted the petitioner for a period of one year under Section 325 IPC as P.W.4 Dr. Hitinder Kaur has deposed that she conducted the X-ray examination of Kulwant Singh and proved her x-ray report and further P.W.5 Dr. Surinderjit Singh has medically examined Kulwant Singh and found the following injuries:

“Crushed wound over the dorsal aspect of right foot near the base of phalanges. The wound extends between the big toe and 2nd phalanges to the base of foot. Fresh bleeding was present and injury was subjected to X-ray. The weapon

used was blunt and probable duration of injury was within 2 hours.

The petitioner/appellant went in appeal against the judgment passed by the trial Court and the lower Appellate Court had taken a lenient view on the question of conviction and the benefit of probation was extended to the petitioner by referring to the judgment passed by this Court in a case of Rajesh alias Pappu vs. State of Haryana, 1996(1) R.C.R Criminal 394.

The Lower Appellate Court has rightly appreciated the evidence and had taken a lenient view by extending the benefit of probation to the petitioner.

Accordingly, the petition is dismissed on merits. However, the order/judgment passed by Addl. Sessions Judge, Ludhiana, giving direction that the petitioner be released on probation on his furnishing probation bonds to the tune of Rs.50,000/- with one surety in the like amount for one year with an undertaking to appear and receive the sentence whenever called upon to do so during the period of one year, is hereby maintained.

(RITU BAHRI)
JUDGE

02.02.2015
G.Arora