

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.4664 of 2015 (O&M)

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Date of decision:17.12.2015

Amarjit Pal alias Bhalla and another

...Petitioners

v.

State of Punjab

Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Jasbir Singh Dadwal, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The present criminal revision petition has been filed by the petitioners Amarjit Pal alias Bhalla and Harpreet Singh alias Happy against State of Punjab under Section 401 Cr.P.C., challenging the impugned judgment of conviction and order of sentence dated 10.03.2015 passed by learned Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar, vide which the petitioners were convicted for the offences under Sections 148, 186, 353 IPC, however, they have been acquitted for the offences under Sections 332 and 336 IPC. They have been sentenced to undergo rigorous imprisonment for a period of one year under Section 148 IPC, rigorous imprisonment for a period of one month under Section 186 IPC and further

rigorous imprisonment for a period of six months under Section 353 IPC. They have also challenged the impugned judgment dated 14.09.2015 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar, vide which appeal filed by petitioners was dismissed.

At the time of preliminary hearing, learned counsel for the petitioners did not dispute the concurrent findings given by the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only on the quantum of sentence and learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this revision petition.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that in the present case, challan has been presented against nine persons by the police of Police Station Behram for the offences under Sections 160, 186, 353, 427, 332, 336, 148 and 149 IPC. The main allegations, as per prosecution version are that the accused-petitioners pelted stones and bricks from the roof-top on the police officials, who had gone to the spot to look into the matter reported to them by Balbir Singh and Head Constable Balwinder Singh was injured from stick blows. The present petitioners have been convicted for the offences under Sections 148, 186 and 353 IPC and sentenced as stated above.

At the time of arguments, learned counsel for the petitioners

contended that the petitioners were young men at the time of occurrence and they are now about 32 and 34 years old respectively. He further contended that the petitioners are first offenders, only bread earner of the families and are poor persons.

Keeping in view the facts and circumstances of the present case, age of the petitioners and further in view of the fact that petitioners are first offenders; only bread earner of their families and they are suffering from the long protracted criminal proceedings for the last about more than six years, the sentence of the petitioners is reduced and they are directed to undergo rigorous imprisonment for a period of six months under Section 148 IPC instead of one year. However, the remaining sentences will remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands partly allowed accordingly.

December 17, 2015.

(Inderjit Singh)
Judge

hsp