

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-783-SB-2004
Date of decision:4.2.2016

Manjinder Singh and others
...Petitioners

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Atul Lakhanpal, Sr.Advocate with
Mr.Arjun Lakhanpal, Advocate for the appellants
Mrs.Lavanya Paul, Assistant Advocate General, Punjab

SNEH PRASHAR, J.

Challenge in this appeal is to the judgment/order dated
13.3.2004 passed by learned Additional Sessions Judge (Adhoc),
Ludhiana vide which, the appellants were convicted and sentenced
as under:-

Accused Manjinder Singh, Gurpreet Singh, Nachhattar Singh and
Paramjit Singh

<i>Section</i>	<i>Sentence</i>	<i>Default sentence</i>
323 IPC	To undergo rigorous imprisonment for ten months and to pay fine of Rs.500/- each	To further undergo RI for one month
323/149 IPC	To undergo rigorous imprisonment for ten months and to pay fine of Rs.500/- each	To further undergo RI for one month

<i>Section</i>	<i>Sentence</i>	<i>Default sentence</i>
148 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/- each	To further undergo RI for one month
506 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/- each	To further undergo RI for one month

Accused Pardeep Singh

<i>Section</i>	<i>Sentence</i>	<i>Default sentence</i>
323/149 IPC	To undergo rigorous imprisonment for ten months and to pay fine of Rs.500/-	To further undergo RI for one month
148 IPC	To undergo rigorous imprisonment for One year and to pay fine of Rs.500/-	To further undergo RI for one month
506 IPC	To undergo rigorous imprisonment for One year and to pay fine of Rs.500/-	To further undergo RI for one month

All the sentences were ordered to run concurrently.

On receipt of ruqa regarding admission of injured Harinderdeep Singh in Kalyani Hospital, Jagraon, SI Jaswinder Singh alongwith his companion reached the Hospital. After taking opinion of the doctor, he recorded the statement of the complainant-injured Harinderdeep Singh, whereby he deposed that on 18.12.2001 at about 9.30 AM while he was coming to DAV College, Jagraon on scooter and had reached Octroi Post No.5, Jagraon, he noticed that Nachhattar Singh was sitting on the driver seat in a Gypsy, whereas Manjinder Singh, Pardeep Singh alias Teepu, Gurpreet Singh, Paramjit Singh alias Pammi and 4/5 unknown

persons were standing near the Gypsy. On seeing him, the assailants raised an alarm to teach him a lesson for being a President and waylaid him. Accused Pardeep Singh alias Teepu gave rod blow on his head with intention to kill him but he saved himself. In the meantime Nachhattar Singh gave a rod blow on the back side of his head. He cried out and fell down on the ground. Manjinder Singh and Gurpreet Singh gave rod blows on his right leg. Paramjit Singh alias Pammi also gave a rod blow on his back. Jasbir Singh alias Heera resident of Kothe Pona, Varinder Pal Singh r/o Agwar Ladhai and Manmohan Singh came there and rescued him from the clutches of the assailants, who immediately fled away with their respective weapons threatening to eliminate him, if he did not resign from the post of College President.

On the basis of the said statement First Information Report 257 dated 18.12.2001 under Sections 307, 342, 323, 506, 427, 148, 149 IPC was registered at Police Station Jagraon. The accused were arrested. On completion of investigation, final report under Section 173 of the Code of Criminal Procedure was presented in the Court.

The accused were charge-sheeted under Sections 307, 323, 506, 148 IPC to which, they pleaded not guilty and claimed trial.

To substantiate its allegations, prosecution examined PW1 injured Harinderdeep Singh, PW2 Jasbir Singh, PW3 Dr.Chander Parkash, PW4 Inspector Jaswinder Singh and PW5 ASI Jagjit Singh.

After closure of evidence of the prosecution, statements of the accused- appellants under Section 313 Cr.P.C. were recorded. They denied the incriminating evidence put to them and pleaded innocence. In defence, they examined DW Manmohan Singh and DW2 Deepak Arora..

On evaluating the evidence led by the parties and after hearing learned Additional Public Prosecutor for the State as well as learned defence counsel, learned trial Court convicted and sentenced the accused as noticed above.

Being aggrieved by the judgment of conviction and order of sentenced passed by learned trial Court, the appellants have preferred the instant appeal.

The submissions made by learned counsel for the parties have been heard and record perused.

As the matter was opened for arguments, learned counsel for the appellants submitted that he does not want to assail the judgment of conviction recorded against the appellants by learned trial Court and prays only for release of the appellants on

probation. He submitted that the appellants are young and poor persons. All are married by now and have small children and old parents completely dependent on them. They are the first offenders and have never misused the concession of bail granted to them during the pendency of the appeal.

As is borne out from the record, the appellants caused injuries on the person of Harinderdeep Singh with common object and intention and criminally intimidated with intention to cause alarm. The statement of injured Harinderdeep Singh stands corroborated by eye witness PW2 Jasbir Singh, who had rescued him and admitted him to the Hospital. PW3 Dr.Chander Parkash, who medico legally examined the injured proved his report Ex.PW3/1 and deposed that injuries No.1 and 2 were kept under observation and the remaining were declared as simple in nature. Thus, the prosecution case is well established on facts and thus, the conviction of the appellants recorded by learned trial Court is maintained.

Coming to the quantum of sentence, I find that the occurrence took place almost 14 years back when the injured and the appellants were college students. The injuries suffered by the complainant were simple in nature. By now the appellants are young men having a family to look after and a long career ahead. Sending

them behind the bars will serve no purpose. They have already faced the agony of protracted trial for such long period. Considering the said facts, the sentence of imprisonment as imposed by learned trial Court on the appellants is set aside. The appellants are released on probation under Section 4(i) of Probation of Offenders Act for a period of one year subject to their furnishing personal bonds in the sum of Rs.20,000/- each with one surety in the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ludhiana. The bonds shall be furnished within one month from the date of receipt of the certified copy of this order, failing which the present appeal shall be deemed to have been dismissed.

It is further directed that the appellants shall keep peace and will bear good behaviour during the period of probation. The fine deposited by the appellants is converted into litigation expenses.

The appeal stands disposed of accordingly.

4.2.2016
gsv

(SNEH PRASHAR)
JUDGE