

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRA-S-3777-SB of 2015 (O&M)

Date of decision: 28.03.2016

Harmesh Singh

.....Applicant

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Jagtar Singh Sidhu, Advocate for
Mr.R.S.Bains, Advocate for the appellant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRM No.28597 of 2015

For the reasons mentioned in the application, it is allowed and 84 days delay in filing the appeal stands condoned.

CRA-S-3777-SB of 2015

Heard.

This is an appeal against the judgment of conviction dated 27.2.2015 and order of sentence of even date, passed by the learned Additional Sessions Judge, (Fast Track Court), Rupnagar, whereby, Kulwinder Singh and Daya Singh respondent Nos.2 and 3 respectively, were convicted for commission of offence punishable under Sections 324, 323, 34 IPC and sentenced to undergo Rigorous

Imprisonment for one year on each count in addition to fine. One of the accused, namely, Harjinder Singh @ Jinder Singh was acquitted. Petitioner, who was the complainant in the said State case, seeks enhancement of the sentence of the accused who are convicted and sentenced by the lower Court and also seeks the reversal of judgment of acquittal passed qua Harjinder Singh @ Jinder Singh. Kulwinder Singh and Daya Singh have been convicted to undergo Rigorous Imprisonment for one year on each count for the commission of offence punishable under Section 323 IPC read with Section 34 IPC.

Keeping in view the nature of offence and in view of the fact that it was a case of cross-version, I am of the view that the adequate sentence has been passed and there is no scope for enhancement of sentence.

As far as role of Harjinder Singh @ Jinder Singh is concerned, lower Court has dealt with the same and has held that only Kulwinder Singh and Daya Singh had caused the injuries. Therefore, Harjinder Singh @ Jinder Singh was rightly acquitted. The lower Court has given the reasoning in support of its judgment. The view taken by the lower Court is neither perverse nor illegal. Therefore, there is no scope for interference in the judgment passed by the lower Court.

The present appeal is accordingly dismissed.

28.03.2016

gk

(Kuldip Singh)
Judge