

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.653 of 2005

Date of Decision: 27.01.2016

Bhajan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE RAJ RAHUL GARG

1. *Whether Reporters of the local papers 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?*

Present: Ms. Aditi Girdhar, Amicus Curiae,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana
for the State.

RAJ RAHUL GARG, J.

Petitioner-Bhajan Singh has preferred this revision against concurrent findings recorded by the Courts below convicting the petitioner and co-accused Gurtej Singh and Balwinder Singh for offence under Sections 392/394/34 IPC. Vide judgement and order dated 7.11.1997, the trial Court awarded them sentence to undergo rigorous imprisonment for three years and to pay a fine of Rs.2000/- each and in default of payment of fine to further undergo rigorous imprisonment for six months each under Section 392/34 IPC and to undergo rigorous imprisonment for three years

and to pay a fine of Rs.2000/- each and in default of payment of fine to further undergo rigorous imprisonment for six months each under Section 394/34 IPC. In appeal filed by the accused against the aforesaid judgement and order dated 7.11.1997, learned Addl. Sessions Judge, Sirsa reduced the sentence awarded to them from three years to two years rigorous imprisonment, maintaining the imposition of fine.

Brief facts of the case are that on 12.9.1994, Balbir Singh-complainant was coming back from village Amritsar Khurd to his own village Patti Raddawas Dudianwali on his scooter. At about 6.30 pm when he was about 1 km short of the bus stand of his village, he noticed a sikh gentleman aged 30/32 years standing on the road. The aforesaid sikh gentleman suddenly took out a pistol and stopped his scooter. In the meantime, two more sikh gentlemen came out of the bushes. One of them, caught the complainant by his neck and the other held his scooter. They took out currency notes of Rs.1300/- from the pocket of the complainant and the person who was armed with pistol, gave a blow on the head of the complainant with the Butt of the pistol. The complainant got himself released from the assailants and ran towards the cotton fields and hid himself in the cotton crop. After the accused left towards Jiwan Nagar on the scooter of the complainant, he came out of the fields and went towards the Dhani of Sardual Singh and narrated the occurrence to the sons of Sardual Singh. The complainant alongwith the sons of Sardual Singh went to the place of occurrence and made search of the accused but they could not find them. The complainant met ASI Maha Singh of P.S. Rania at the Bus Stand and recorded his statement Ex.PA on the basis of which the case

was registered.

On 07.10.1994 when Maha Singh ASI was conducting traffic checking in the area of Jiwan Nagar, he apprehended all the three accused with the scooter bearing fake registration number. He took into possession the aforesaid scooter. On search of accused Gurtej Singh, he recovered a country made pistol with cartridges of 12 bore from his person regarding which a separate case was registered against him. ASI Maha Singh arrested all the three accused. After completion of investigation, challan was presented against the accused.

After hearing counsel for the parties and appraising evidence and material coming on record, the impugned judgement and order dated 07.11.1997 were passed as set out in the earlier part of this judgement.

Learned counsel for the petitioner at the very outset submits that he does not wish to assail the findings recorded by the Courts below and would be satisfied if the sentence awarded to the petitioner is reduced to the one already undergone.

As per custody certificate, petitioner has already undergone 01 year and 13 days of imprisonment.

The petitioner was about 60 years of age at the time of his conviction. He was released on personal bond on 01.02.2001 under the order dated 20.11.2000 passed by this Court and is not involved in any offence thereafter.

In view of the facts discussed above, I am of the view that it would be appropriate, if the sentence of imprisonment awarded to the petitioner is reduced to the period already undergone, maintaining the

imposition of fine. Ordered accordingly.

With this modification in the quantum of sentence, the revision is dismissed.

27.01.2016
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(RAJ RAHUL GARG)
JUDGE