

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

CRR No.1283 of 2016 (O&M)
Date of Decision: November 08, 2016

Gurpreet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tejvir Singh Manes, Advocate
for the petitioner.

Ms.Bhavna Gupta, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurpreet Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 08.10.2012 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which the petitioner was convicted under Sections 323, 326, 506 and 452 IPC and sentenced to undergo rigorous imprisonment for a maximum period of three years and to pay fine of ₹1000/- and in default of payment, to undergo simple imprisonment for a period of seven days under Sections 326 and 452 IPC and also challenging the judgment dated 10.08.2015 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

Notice of motion was issued and learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.24 dated 08.07.2011. The brief facts of the case as noted down in the judgment passed by learned JMIC, Ludhiana, are as under:-

“2. In brief, the prosecution case is that on 6.07.2011, one wireless message was received by the police that one Harjeet Singh, s/o Kisan Singh r/o village Koom Kalan is admitted in PGI, Chandigarh as a result of some fight. On 7.07.2011 ASI Rajwantpal Singh reached PGI to record the statement of the victim but the doctor declared him unfit to make a statement. Again on 8.07.2011 H.C. Makhan Singh along with Constable Pavittar Singh reached the hospital to record the statement of the complainant and the doctor declared him fit to make a statement. Complainant got recorded his statement to the effect that on dated 5.07.2011 at about 9.30 PM, when he was about to go to sleep in his tea stall accused Gurpreet Singh @ Gopi along with two persons came at his stall and started bearing him. Accused Gurpreet Singh gave a daah blow upon his face and further gave many blows upon his face and upon his forehead. The other accused who were along with the accused Gurpreet Singh gave fist blows to him and caught hold of him from his arms. The accused Gurpreet Singh caused injuries on the right hand and chest. When he raised hue and cry all the accused fled away from there. He further deposed that he was taken to the Civil hospital by his relatives from where he was referred to PGI Chandigarh. Action be taken against the above named accused. The statement in this regard was signed by him and was attested by the HC Makhan Singh. After recording the statement the offence u/s 323, 452, 506, 34 IPC was registered. After making the said endorsement the ruka was sent through Constable Pavittar Singh. On the basis of which formal FIR was recorded. During investigation the place of occurrence was inspected and rough site plan was prepared. The statement of witnesses were also recorded. The house of the accused was raided number of times but the accused was nowhere to be found and finally on 25.7.2011 HC Makhan Singh arrested the accused. The accused was remanded to police custody on 26.7.2011 and during interrogation the alleged weapon was also recovered from the accused. During the course of investigation no co-accused was found hence, the section 34 IPC was taken out. After the receipt of the injury report the offence u/s 325 IPC was also added. On completion of entire investigation and

other formalities challan was presented in the court against accused on 22.09.2011.”

Learned JMIC, Ludhiana after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Ludhiana, vide judgment dated 10.08.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is poor person, first offender and he is suffering from the criminal proceedings since 2011. Learned counsel for the petitioner further contended that petitioner has already undergone actual sentence of about 2 years including remission.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is facing criminal proceedings since 2011 i.e. for the last about five years and is first offender and also in view of the fact that petitioner has already undergone imprisonment of about 2 years out of the total sentence including remission of 2 months and 25 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioner Gurpreet Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

November 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No