

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.178 of 2016 (O&M)
Date of Decision: February 24, 2016

Bhajan Lal

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jangvir Singh Hooda, Advocate
for the petitioner.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Bhajan Lal against respondent State of Haryana, challenging the impugned judgment of conviction dated 06.02.2015 and order of sentence dated 09.02.2015 passed by learned Sub Divisional Judicial Magistrate, Hodal, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year under Section 147 and to further undergo simple imprisonment for a period of six months under Section 323 read with Section 149 IPC and also challenging the judgment dated 17.10.2015 passed by learned Addl. Sessions Judge (I), Palwal, vide which appeal filed by petitioner was dismissed.

The brief facts of the case as mentioned in the impugned judgment dated 06.02.2015 passed by learned SDJM, Hodal are as under:-

“The present complaint has been filed by the complainant on the allegations that complainant is the resident of above address and law abiding citizen. Accused No. 1 to 6 are his neighbours and accused No.7 is the brother-in-law of the accused Pappu and he is the resident of the Mathura and he resides with them at Andua Patti Hodal. Earlier electricity connection of the accused persons was cut down by the Electricity Board due to the non-payment of the bill. Thereafter, accused persons tried to steal the electricity from the wire of the complainant. Thereupon, the complainant asked them several times not to do so. Due to which, accused persons have rivalry. On 14.7.2009 at about 9.00 O' clock in night, accused No.1 Bhajan Lal tried to join the electricity wire in the service wire of the complainant and he started consuming the electricity by theft. Thereupon, the complainant objected and he asked them not to affix the wire. Thereupon, Bhajan Lal went to his house and took accused No. 2 to 7 in order to fight after taking iron pipe, lathi, saria etc. in the house of the complainant. Calling names to the complainant, accused Bhajan Lal told to other accused that he spoke so much and did not allow them to consume the electricity and to cause his death. Thereupon, Bhajan Lal gave an iron pipe blow on the forehead of the complainant. Due to which complainant fell down and accused No. 2 to 7 gave him leg and kick blows. At that time, in the house of the complainant, brother of the complainant Ramesh Chand and father Pyarelal were present and they rescued the complainant with great difficulty otherwise accused persons caused

him more injuries. At the time of going, accused persons threatened that today he has been escaped and in future they would cause his death. After the incident, complainant was taken in injured condition to CHC Hodal by the brother Ramesh Chand and in the night medical examination of the complainant's injuries was done. On 15.7.2009 x-ray of the complainant was done at CHC Hodal. Regarding this incident on 15.7.09, complainant made a complaint in Police Station Hodal. Thereupon, police assured to take action but no action has been taken till date. Therefore, it was prayed that accused persons may be proceeded accordingly.”

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

Notice of motion was issued qua quantum of sentence only.

Learned State counsel appeared and contested the petition.

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

Learned counsel for the petitioner contended that petitioner is first offender and he is already in custody since 17.10.2015 i.e the date when his appeal was dismissed by learned Addl. Sessions Judge (I), Palwal. He next contended that petitioner is only bread earner of the family, having small children.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence and in view of the fact that petitioner is first offender, poor person and only bread earner of the family having small children and further in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2009 i.e. for the last about 6 ½ years, the sentence of the petitioner is reduced to the sentence already undergone by him. Petitioner Bhajan Lal, who is in custody, be released forthwith if his custody is not required in connection with any other case, subject to payment of fine, if any, if already not paid.

Resultantly, the present revision petition stands partly allowed.

February 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE