

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

CRR No.2807 of 2016 (O&M)
Date of Decision: November 08, 2016

Didar Singh alias Dara Singh and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.B.S.Goraya, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Didar Singh alias Dara Singh and Joginder Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 19.01.2016 passed by learned Chief Judicial Magistrate, Tarn Taran, vide which the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment, to undergo rigorous imprisonment for a period of three months each under Section 326/34 IPC and to undergo rigorous imprisonment for a period of six months under Section 323 IPC and petitioner Didar Singh @ Dara Singh was convicted under Section 324 IPC and petitioner Joginder Singh was convicted under Section 324/34 IPC

and they were sentenced to undergo rigorous imprisonment for a period of one year each and also challenging the judgment dated 11.05.2016 passed by learned Addl. Sessions Judge, Tarn Taran, vide which appeal filed by petitioners was dismissed.

Notice of motion.

On asking of the Court, Ms.Shivali, Asstt. Advocate General, Punjab, who is present in the Court, accepted notice on behalf of the respondent-State and stated that she is ready with the arguments today itself.

The brief facts of the case as noted down in the judgment passed by learned CJM, Tarn Taran, are as under:-

“2. The allegations against the accused are that on 23.6.2010 ASI Partap Singh alongwith other police officials in connection with patrolling and in search of bad elements was present at Bohri Chowk, Tarn Taran, where ASI received two M.L.Rs bearing No.CH/TT/IMG/16/10 dated 22.6.2010 of Kuljeet Singh son of Ajit Singh and another MLR No.CH/TT/IMG/17/10 dated 22.6.2010 of Manpreet Singh son of Ajit Singh, residents of Mohalla Fatehchuck, Tarn Taran, on the basis of which Investigating Officer alongwith other police officials went to Civil Hospital, Tarn Taran and got recorded the statement of complainant Manpreet Singh son of Ajit Singh to the effect that he is resident of abovesaid address and is Carpenter by profession. About two years ago, their father, sold three marlas out of the disputed land to Shinder Singh resident of village Toor and Shinder Singh further sold this plot to Sarabjit Kaur wife of Gurbhej Singh. He also stated in his statement that there was a dispute about the demarcation of the plot. On 22.6.2010, it was 7.00 p.m, he alongwith his brother Kuljit Singh and their father Ajit Singh were standing in the street in front of their house and there Gurbhej Singh armed with datar, Dara Singh armed with Sua, Joginder Singh armed with dang and brother of Dara Singh armed with baseball came from the house of Gurbhej Singh and Gurbhej Singh raised a lalkara in order to teach him a lesson. Gurbhej Singh gave a datar blow which hit his left arm and wrist. Joginder Singh gave four blows of Sua and gave two blows with dang to him and brother of Dara Singh gave two baseball blow to him and Dara Singh also gave sua blow on his left hand. When his brother Kuljit Singh came forward to rescue him, then Gurbhej Singh gave two datar blows above the little finger of his left hand. He raised alarm Marditta Maridtta and

then the accused ran away alongwith their respective weapons from the place of occurrence. His friend Satinder Singh son of Jagtar Singh, resident of village Kazi Kot after making the arrangement of the vehicle, got admitted them in the Civil Hospital, Tarn Tarn. The motive behind the occurrence is about the demarcation of the plot. The respectable of the village tried to compromise the matter, but to no effect. On the basis of the statement of the complainant and M.L.Rs a case against the abovesaid persons under Sections 324,323/34 IPC was registered. Site plan of the place of occurrence was prepared. Investigation was carried out. Lateron injury on the little finger of Kuljit Singh was declared grievous in nature and offence under Section 326 IPC was added. Accused were arrested. Weapons of offence were recovered. Statements of the witnesses were recorded. After completion of investigation, report under Section 173 Cr.P.C. was presented in the court.”

Learned CJM, Tarn Taran, after appreciating the evidence, convicted and sentenced the petitioners as stated above. An appeal was filed by the petitioners and the same was dismissed by learned Addl. Sessions Judge, Tarn Taran, vide judgment dated 11.05.2016.

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

At the time of arguments, learned counsel for the petitioners 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 petitioners argued that petitioners are first offenders and they are suffering from the criminal proceedings since 2010. Learned counsel for the petitioners further contended that petitioner Didar Singh @ Dara Singh has already undergone actual sentence of 1 year 3 months and 21 days and petitioner Joginder Singh has already undergone actual sentence of 10 months and 2 days including remission.

I have heard learned counsel for the petitioners as well as

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioners are facing long protracted criminal proceedings since 2010 i.e. for the last about six years and are first offender and also in view of the fact that petitioners have already undergone substantial sentence out of the total sentence and in view of the fact that the grievous injury is on the little finger on the person of Kuljit Singh i.e. on the non-vital part of the body, the sentence imposed upon the petitioners is reduced to the sentence already undergone by them. However, the sentence of fine and default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioners Didar Singh alias Dara Singh and Joginder Singh, who are in custody, be set at liberty forthwith, if their 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