

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3490 of 2016 (O&M)
Date of decision: 26.10.2016

Balwinder Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Divya Sharma, Advocate for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioners have assailed the judgment dated 12.08.2016 vide which the learned Addl. Sessions Judge, Tarn Taran, upheld the judgment of conviction and order of sentence dated 14.10.2015, passed by learned Sub Divisional Judicial Magistrate, Khadoor Sahib, whereby the petitioners have been convicted and sentenced as under:-

Name of Convict	Under Section(s)	Sentence(s)
Balwinder Singh	452 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month
	324 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month
	323 read with Section 34 IPC	RI for 6 months
Ranjit Singh	452 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month
	324 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month

Name of Convict	Under Section(s)	Sentence(s)
	323 read with Section 34 IPC	RI for 6 months
Baljit Singh	452 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month
	324 read with Section 34 IPC	RI for 1 year and fine ₹500/-, in default thereof RI for 1 month
	323 read with Section 34 IPC	RI for 6 months

The present case was registered on the basis of the statement of Gurmej Singh to the effect that on 28.03.2011 at about 2.00 p.m., he, his two sons Dalbir Singh and Balkar Singh and his wife Harjinder Kaur and his daughter-in-law were present in the house. Suddenly, Balwinder Singh (petitioner No.1) along with his sons Ranjit Singh (petitioner No.2) armed with sword and Baljit Singh (petitioner No.3) armed with a stick and some other unidentified persons armed with deadly weapons entered his house. Balwinder Singh raised lalkara to teach his son Balkar Singh a lesson. On this, Ranjit Singh and Baljit Singh tried to kill his son and daughter-in-law. He and his wife pushed his son and daughter-in-law into the room and he and his wife stood in front of the gate of the room. On this, Ranjit Singh gave sword blow which hit on his head. Then, Baljit Singh gave stick blow which hit his back. He fell on the ground and his son Dalbir Singh tried to save him from them. On this, the attackers gave sticks blow to his son on his back and legs. His wife and daughter-in-law raised hue and cry whereupon all the accused fled away from the spot along with their

respective weapons. Thereafter, he and his family members were admitted in the hospital at Mianwind.

Alleged motive behind the occurrence was that on 27.03.2011 at about 8.00 p.m., Balkar Singh and Baljit Singh had drinks together. When they were coming to their house, on the way, Baljit Singh demanded mobile phone from Balkar Singh but Balkar Singh refused to give the same to him. On this, Baljit Singh started beatings his son Balkar Singh. Due to this, above said persons inflicted injuries to them.

On the basis of the statement of the complainant, present case was registered and investigated. The accused were arrested in this case during the investigation. After the completion of investigation, challan against the accused was presented in the Court.

The accused were charge sheeted under Sections 323, 324 and 452 of the IPC read with Section 34 IPC to which they pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Gurmej Singh (injured-complainant); PW-2 Balkar Singh (son of the complainant); PW-3 Dalbir Singh (another son of the complainant) and PW-4 Dr. Gurpal Singh.

The statements of the accused under Section 313 Cr.P.C., were recorded. They pleaded innocence and alleged false implication.

In their defence, they examined DW1 Balwant Singh and DW2

Narinder Singh.

After hearing the Addl. Public Prosecutor, the counsel for the accused, and after going through the evidence on record, the trial Court convicted and sentenced the accused/petitioners, as narrated above.

The appeal filed by the petitioners was also dismissed vide impugned judgment dated 12.08.2016. Feeling aggrieved against the judgments of both the Courts below, the instant revision was filed by the accused/petitioners.

The learned counsel for the petitioners does not press the revision petition on merits and has submitted that the petitioners have suffered protracted trial since the year 2011. Petitioners have already undergone actual sentence of 02 months and 14 days out of substantive sentence of one year. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposes the prayer of petitioners/accused and supported the judgment of conviction and order of sentence passed by the Courts below.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The prosecution case is supported by the statements of the prosecution witnesses. There is no flaw in the judgments of conviction. There is no merit in the present revision petition which is hereby

dismissed on merits. However, there is substance in the arguments of learned counsel for the petitioners so far as quantum of sentence is concerned.

The petitioners have suffered the agony of protracted trial since the year 2011. It is one of the mitigating circumstances which enables them to be treated leniently. The petitioners have already undergone 02 months and 14 days of actual sentence out of the substantive sentence of one year. In view of the above, the prayer made on behalf of the petitioners is accepted. The sentence awarded to the petitioners is ordered to be reduced to the period already undergone. They be released forthwith, if not required in any other case.

Ordered accordingly.

However, amount of ₹25,000/- each towards compensation shall be paid to injured/complainant, Gurmej Singh by petitioner Nos.1 and 3 and another amount of ₹35,000/- towards compensation shall be paid to him by petitioner No.2 within three months from the date of receipt of certified copy of the order. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

26.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No