

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.391 of 2016(O&M)
Date of Decision: May 04, 2016

Gurpreet Singh @ Gopi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Naresh Kaushik, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurpreet Singh @ Gopi against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 28.10.2014 passed by learned Judicial Magistrate Ist Class, Jalandhar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to undergo imprisonment for a period of one month under Section 382/34 IPC along with co-accused and also challenging the judgment dated 07.12.2015 passed by learned Addl. Sessions Judge, Jalandhar, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only prayed for reduction of sentence and notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner contended that petitioner is a poor person, only bread earner of the family and he has no criminal background, first offender and no recovery has been effected from him.

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

The brief facts of the prosecution case as noted down in the judgment passed by learned JMJC, Jalandhar are as under:-

“Briefly stated, the case of the prosecution is that on 16.03.2012, ASI Jaswinder Singh, along with his colleagues, was on regular patrol and stationed near Verka Milk Plant, when complainant Nitu came over and made a statement that she was returning to her house after her duty at Kalyani Public School, which is a little distance from her house. At around 1.50, when when she was walking through street, two boys came on Pulsar Motorcycle. The one driving the motorcycle had tied cloth on his face and the second riding pillion was wearing cap. The person riding pillion had some weapon in his hand. The said boys stopped the complainant and tried to pull the gold chain, weighing one tola, worn by complainant around her neck. The complainant resisted, whereafter the accused threw her down after pushing her. However complainant did not leave the gold chain worn by her. Thereupon, accused fired from the air gun held by him, the pellet of which hit the arm of the complainant, injuring her. The accused ran away from the spot after pulling the chain of the complainant. The complainant detailed that accused had earlier passed by her and thereafter they

returned to snatch the chain. Finding prima facie commission of offence, an FIR under section 379 IPC was registered against the accused and preliminary investigation commenced. During investigation of another case No. 80 dated 18.05.2011 under section 399/402 IPC, PS Division No. 1, Jalandhar, accused Gurpreet Singh @ Gopi and Vipin Kumar @ Vicky made a disclosure statement that on 16.03.2012, the said accused, riding on a Pulsar Motorcycle had snatched gold chain from a woman, who was walking in a street in Mohalla Ashok Vihar. Upon said disclosure, investigating officer Jaswinder Singh along with other police officials took the accused along and got identification of the spot of occurrence done. Accused Vipin Kumar @ Vicky, vide his disclosure statement, got recovered a piece of gold chain which he had hidden in the bed in a room of his residence. The relevant memos were prepared. After completion of formalities, instant challan was presented before court.”

In view of the facts and circumstances of the present case, I find that the present petitioner along with co-accused, who was driving the motorcycle, tried to snatch the gold chain from the complainant Nitu and when she resisted, a push was given to her. Thereupon, accused fired from the air gun, pellet of which, hit the complainant, injuring her and the accused ran away from the spot after pulling the chain of the complainant. In these circumstances, I find that no case is made out for reduction of the sentence. Now-a-days, such type of occurrences are taking place freely and to stop such type of offences regarding snatching of mobile phones, gold chains etc. from the general public by the culprits, it is necessary to punish them with adequate sentence. In the present case, the petitioner has been sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to undergo imprisonment for a period of one month

and this sentence, in no way, can be held on higher side.

Therefore, finding no merit in the present revision petition,
the same is dismissed.

May 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE