

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

**Crl. Appeal No.S-2776-SB of 2016 (O&M)
Date of Decision: January 10, 2017**

Sukhjit Singh

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gaurav Sharma, Advocate
for the appellant.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present appeal has been filed by the appellant against State of Punjab, challenging the judgment of conviction and order of sentence dated 01.06.2016 passed by learned Addl. Sessions Judge, Rupnagar, whereby the appellant was held guilty and convicted and sentenced to undergo rigorous imprisonment for a period of seven months and to pay fine of ₹3,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 323 IPC.

The brief facts of the prosecution case as noted down in the judgment passed by learned Addl. Sessions Judge, Rupnagar, are as under:-

“2. The brief facts of the present case are like this that on 2.8.2010, a written message/information was received from Civil Hospital, Kurali as well as from PGI, Chandigarh regarding injuries on the person of Ranjit singh son of

Kuldeep singh and after receiving the said information, HC Joginder Singh along with his police associates had gone to PGI, Chandigarh and moved application for obtaining fitness of injured Ranjit singh. The prosecution has further alleged that injured Ranjit singh was declared as unfit to make the statement. However, there was other injured namely Dharmvir who was fit to make the statement , but he did not get his statement recorded due to headache. The prosecution has further alleged that on the next day, i.e. on 3.8.2010, both the injured Ranjit singh and Dharamvir singh were discharged from PGI, Chandigarh and were got admitted in Civil Hospital, Kurali. It has been alleged that HC Joginder Singh had gone to Civil Hospital, Kurali where injured Ranjit singh was declared as fit to make the statement, therefore, his statement was recorded by HC Joginder Singh. The present case has been registered on the basis of statement given by Ranjit singh hereinafter called as complainant who stated before the police that he is private driver by profession. The complainant further stated that on 1.8.2010, at about 8.35 PM, he along with Dharamvir Singh were returning from Soup Rehries installed near Government Kanya School, Bus Stand Kurali and they were going towards Government Hospital. It has been further stated by the complainant that on the way, accused Parduman singh alias Pinka and accused Prince had encircled the complainant and Dharamvir Singh by pushing him on the ground. It has been further stated by the complainant that accused Parduman singh alias Pinka was having iron rod in his hand and he had given rod blow on the left arm of Dharmvir singh due to which Dharamvir singh alias Rishu had fallen on the ground . It has been alleged that accused started giving beatings to Dharmvir singh and complainant. It has been further stated that they tried to save themselves by running towards the side of Hospital in the meantime, accused Prince, accused Sukha alias Sukhjeet singh, Nishant Singla and accused Jot along with 2/3 unidentified persons started giving beatings to Dharamvir Singh . The complainant further stated that he tried to save Dharmvir singh from the clutches of accused, then, accused Pirnce had given rod blow on the head of complainant. It has been furher alleged that complainant raised alarm Mar-Ditta Mar-Ditta, in the meantime the accused run away from the palce of occurrence along with their respective weapons. It has been further stated that complainant was taken to Hospital by one Sandeep son of Kulwant singh but he was referred to PGI, Chandigarh, being his condition serious. It has been further alleged that after giving medical treatment, the injured was again referred to Civil Hospital , Kurali. Statement of complainant was recorded. Case was registered against the accused Prince Singla, Nishant Signla, Parduman singh, Sukhjeet singh and Jot singh . Investigation was initiated. Site plan regarding the place of occurrence was prepared. Weapon

used in the occurrence was also got recovered after arresting the accused, Parduman singh alias Pinka . After the completion of investigation, challan against the accused Nishant Singla, Prince Singla and Parduman singh alias Pinka was prepared under sections 341, 308, 323,148, 149 IPC was prepared and presented before the court, whereas the remaining accused namely Sukhjit singh and Jot singh were declared as Proclaimed Offender. 3. It is necessary to mention here that all the three accused Nishant Signal, Prince Signal and Parduman singh were facing the trial whereas, accused Sukheet singh alias Sukha and accused Jot singh did not appear being proclaimed offenders. It is also necessary to mention that all the three accused namely Nishant Signal, Prince Signal and Parduman singh have already been acquitted by the court of Mrs.Jaswinder Sheemar, vide judgment dated 22.2.2011. 4. Later on, accused Sukheet singh alias Sukha was arrested and supplementary challan against Sukheet singh was presented before the court.”

On presentation of challan against accused-appellant, copies of challan and other documents were supplied to him under Section 207 Cr.P.C. Finding prima facie case, the accused-appellant was charge-sheeted under Section 341, 323 and 308 IPC, to which he pleaded not guilty and claimed trial.

In support of its case, prosecution examined PW-1 Joginder Singh, Retd. ASI, PW-2 Ranjit Singh, complainant, PW-3 Constable Sandeep Singh and PW-4 Head Constable Jatinder Singh.

At the close of prosecution evidence, the accused-appellant was examined under Section 313 Cr.P.C. He was confronted with the evidence of the prosecution and he denied the correctness of the evidence and pleaded himself as innocent and his false implication.

No witness was examined defence.

The learned trial Court, after appreciation of the evidence, convicted and sentenced the accused-appellant as stated above.

At the time of arguments, learned counsel for the appellant did

not dispute the findings regarding conviction and only prayed for reduction of sentence of the appellant.

On the other hand, learned State counsel filed the custody certificate of the accused-appellant and stated that as per custody certificate, the accused-appellant has already completed the sentence and has been released in this case but he is still confined in the jail in other case as a convict.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 01.06.2016 passed by learned Addl. Sessions Judge, Rupnagar, is correct, as per law and does not require any interference from this Court.

As regarding the prayer for reducing the sentence, I find that, as per the custody certificate, the appellant has already completed the sentence in this case and has been released. Since, the appellant has already been released in this case after completion of the sentence, therefore, no ground is made out to reduce the sentence of the appellant.

In view of the above discussion, the present appeal stands disposed of.

January 10, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No