

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

Crl. Revision No. 4038 of 2016 (O&M)

Date of Decision: April 18, 2017.

Savinder Singh and Others

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Mavi, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G. Punjab,
counsel for respondent-State.

Mr. M.S. Tiwana, Advocate
for complainant.

SURINDER GUPTA, J.(Oral)

This is revision petition filed by Savinder Singh, Pargat Singh, Mishra Singh and Jagtar Singh against the judgment dated 19.10.2016 passed by Additional Sessions Judge, Mansa, whereby conviction of petitioners recorded by Additional Chief Judicial Magistrate, Mansa for the offences punishable under Sections 325, 323, 341 read with Section 34 of Indian Penal Code (for short-IPC) was upheld.

On the complaint of Sansar Singh, s/o Pritam Singh, FIR No.9

dated 21.04.2012, for the offences punishable under Sections 323, 325, 341 read with Section 34 IPC was registered at Police Station Joga. The case of the prosecution, in brief, is that on 20.04.2012, at about 7.30 pm, complainant, along with his son Harbhajan Singh was coming from his fields after harvesting his wheat crop. When he reached near '*Dek Wala Hand Pump*' , Savinder Singh armed with *gandasa*, Pargat Singh, Mishra Singh and Jagtar Singh armed with *dangs* were present there. They stopped the tractor of complainant and attacked him. Savinder Singh gave two *gandasi* blows on the right side of the head of the complainant while Mishra Singh, Pargat Singh and Jagtar Singh gave *dang* blows to complainant. Hue and cry raised by son of complainant Harbhajan Singh attracted Lal Singh brother of the complainant and others at the spot, on which, petitioners ran away from the spot.

On medical examination, the doctor found following injuries on the person of complainant:-

'Injury no.-1-A lacerated wound of 7.3x1 cm, bone deep on right side of parietal region, fresh bleeding was present. X-ray was advised.

Injury no.2-A lacerated wound of 4x0.3 cm, bone deep on right side of parietal region, fresh bleeding was present. X-ray was advised.

Injury no.3-A 6.7x1.8 cm, reddish contusion on right side of arm on lateral aspect. X-ray was advised.

Injury no.4-A reddish contusion of 6.2x2.3 cm of left leg upper part posteriorly.'

Learned Additional Chief Judicial Magistrate convicted and sentenced the petitioners as follows:-

Name of Convicts	Under Section	Period of Sentence
Savinder Singh	325/34 of IPC	One year simple imprisonment and fine of Rs.1,000/-, in default one month
	323 of IPC	Six months simple imprisonment
	341 of IPC	Three months Simple imprisonment
Pargat Singh	323 of IPC	Six months simple imprisonment
	325/34 of IPC	One year simple imprisonment and fine of Rs.1,000/-, in default one month
	341 of IPC	Three months simple imprisonment
Mishra Singh	323 of IPC	Six months simple imprisonment
	325/34 of IPC	One year Simple imprisonment and fine of Rs.1,000/-, in default one month
	341 of IPC	Three months simple imprisonment
Jagtar Singh	323 of IPC	Six months simple imprisonment
	325/34 of IPC	One year simple imprisonment and fine of Rs.1,000/-, in default one month
	341 of IPC	Three months simple imprisonment

The above conviction and sentence of the petitioners were affirmed by learned Additional Sessions Judge, Mansa.

Learned counsel for the petitioners submits that Pargat Singh is a government employee and has been implicated in this case only to increase the number of accused persons and to put pressure on the petitioners. However, he has not challenged the conviction of the petitioners on merit and confined the relief claimed for reduction of sentence of the petitioners and for grant of benefit of probation to petitioner Jagtar Singh so that he may continue in service. Learned counsel for the petitioners further submits that there were four injuries on the person of complainant and

petitioners have been attributed one injury each. Petitioners have undergone about two months of imprisonment. They are not previous convicts. As per complainant, there was dispute regarding partition of the land between the parties. Petitioner Savinder Singh is more than 58 years of age while petitioner Mishra Singh is 63 years of age. Petitioner Pargat Singh is a young boy of the age of 27 years while Jagtar Singh is 33 years of age. Keeping in view the antecedents of petitioners and nature of injuries caused to the complainant, petitioners No.1, 3 and 4 have already suffered for the offence committed by them and their sentence may be reduced to the period already undergone by them.

Learned State Counsel assisted by learned counsel for the complainant has argued that petitioners have caused injuries on the person of complainant without any provocation and do not deserve any leniency in the quantum of sentence.

On giving a careful thought to the submissions of learned counsel for the petitioners, learned State counsel, learned counsel for the complainant and on perusal of the judgments of the courts below, I find that the interest of justice shall be fully met if the sentence awarded to the petitioners is reduced to the period of imprisonment already undergone by them except in case of Pargat Singh, who is a young boy and can be extended the benefit of probation to protect his future. The ends of justice are not served only when a person after conviction is sentenced but also by taking a lenient view in the deserving cases and this case is one such case. There were four injuries on the person of complainant for which four accused have been convicted. Petitioners and complainant belong to same

land and the occurrence appears to have taken place at the spur of the moment. While reducing substantive sentence, the amount of fine imposed upon the petitioners can be enhanced and the same may be paid to the complainant towards compensation for the injuries caused to them.

Custody certificate on file shows that petitioner Savinder Singh has undergone more than six months of imprisonment and it is submitted that other petitioners have also undergone more than six months of imprisonment by now.

As a sequel of my above discussion, this petition is partly allowed and conviction of petitioners as awarded by the Courts below is affirmed. However, the substantive sentence of imprisonment, as awarded to petitioners No.1, 3 and 4 is reduced to the period of imprisonment already undergone by them. The sentence of fine imposed upon them is enhanced from ₹1000/- each to ₹10,000/- each, in default of payment of fine, they shall undergo simple imprisonment of 3 months each. Petitioner Pargat Singh is ordered to be released on probation of good conduct for a period of one year on furnishing probation bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa. He is also directed to pay ₹20,000/- as costs of litigation. The amount of fine and costs of litigation i.e. ₹50,000/- be paid to the complainant towards compensation for the injuries suffered by him.

April 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No