

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRR-1302-2017 (O&M)
Date of Decision: April 20, 2017

Jasbir Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Ramneek Vasudeva, Advocate
for the petitioners.

Mr.Jashanpreet Singh, Asstt.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The petitioners were convicted by Judicial Magistrate, Ist
Class, Rupnagar for offence punishable under Sections 323, 324, 201, 34
IPC and sentenced as follows : -

Under Section 323 read with Section 34 IPC	Rigorous Imprisonment for a period of three months and fine of Rs.500/- each and in default thereof to further undergo simple imprisonment for a period of 15 days
Under Section 324 IPC read with Section 34 IPC	Rigorous Imprisonment for a period of six months and fine of Rs.1000/- each and in default thereof to further undergo simple imprisonment for a period of 15 days
Under Section 201 IPC read with Section 34 IPC	Payment of fine of Rs.500/- each and in default thereof to undergo simple imprisonment for a period of 15 days.

They filed appeals against the judgment of their conviction
and sentence where the conviction of petitioners was maintained but the

sentence awarded to them was modified as follows : -

“It is proved that injury no.1 on the person of PW-1 Bajinder Singh was caused by accused Amarjit Singh with sharp side of spade and thus, he is sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/- under Section 324 IPC and in default of payment of fine to further undergo simple imprisonment for a period of 15 days, whereas accused Jasbir Singh and Pargat Singh are sentenced to undergo rigorous imprisonment for a period of six months each and to pay a fine of Rs.1000/- each under Section 324 read with Section 34 IPC and in default of payment of fine to further undergo simple imprisonment for a period of 15 days each. It is proved that accused Jasbir Singh voluntarily caused simple injury to Bajinder Singh with Soti, therefore he is sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for a period of 15 days under section 323 IPC, whereas accused Amarjit Singh and Pargat Singh are sentenced to undergo rigorous imprisonment for a period of three months each and to pay a fine of Rs.500/- each under section 323 read with section 34 IPC and in default of payment of fine to further undergo simple imprisonment for a period of 15 days.”

Learned counsel for the petitioner has not challenged the conviction of the petitioners but has confined his submission for lenient view regarding quantum of sentence awarded to them. Learned counsel for the petitioners submits that all the three petitioners are brothers and the occurrence was not pre-planned, rather, it occurred at the spur of the moment when cart of the complainant hit the petitioners. As the

petitioners have already undergone about one and half month of imprisonment, they have suffered for the wrong committed by them.

As per the case of the prosecution, bullock-scart of the complainant had hit the petitioners which resulted in exchange of hot words and ultimately, causing of injuries to complainant. The petitioners were neither having any intention nor armed with weapons at the time of occurrence rather petitioner-Amarjit Singh snatched spade from the complainant for causing injuries to him. No injury was caused by petitioner-Pargat Singh while Jasbir Singh was attributed a stick blow.

Learned State counsel argues that three injuries were caused on the person of Bajinder Singh, out of which, 2 were caused with sharp edged weapon, i.e, the spade which was snatched by the complainant. The courts below have already taken a lenient view regarding the quantum of sentence and keeping in view the facts of the case, the petitioners are not entitled to any further leniency qua quantum of sentence.

Petitioner-Jasbir Singh is 43 years, Pargat Singh is 32 years and Amarjit Singh is 30 years of age. There is nothing on file that they are previous convicts. As per prosecution case, the occurrence was not pre-planned but had occurred at the spur of the moment when cart of the complainant hit the petitioners.

Custody certificates dated 20.4.2017 filed in Court today are taken on which show that they have undergone one month and 13 days of imprisonment as on 19.4.2017.

Keeping in view the fact that the petitioners are not previous convicts, I am of the considered opinion that the period of sentence already undergone by them serves the interest of justice in this case. As such, the sentence awarded to the petitioners is reduced to the sentence of imprisonment already undergone by them. However, the sentence of fine imposed on the petitioners for offence under Sections 324 and 324/34 IPC is enhanced to ₹ 10,000/- each, which on deposit, will be paid to the complainant. In default of payment of fine, they shall further undergo further RI for a period of 3 months.

With modification of sentence as above, the petition is disposed of.

A copy of this order be sent to the Superintendent, District Jail, Rupnagar.

(SURINDER GUPTA)
JUDGE

April 20, 2017
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>