

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

**CRR No.1313 of 2017 (O&M)
Date of Decision: July 25, 2017**

Surjeet Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Sahu, Advocate
for the petitioner.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Rajesh Lamba, Advocate
for the complainant.

INDERJIT SINGH, J.

The revision petition has been filed by the petitioner Surjeet Singh against respondent State of Punjab, challenging the impugned judgment of conviction dated 12.09.2014 and order of sentence dated 16.09.2014 passed by learned Sub Divisional Judicial Magistrate, Ratia, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to undergo simple imprisonment for a period of three months under Section 323 IPC and further to undergo rigorous imprisonment for a period of three years and to pay fine of ₹2000/- and in default of payment of fine, to undergo simple imprisonment for a period of

nine months under Section 325 IPC and also challenging the judgment dated 09.02.2017 passed by learned Sessions Judge, Fatehabad, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

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 contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against the petitioner in case FIR No.48 dated 06.02.2012. The brief facts of the case as noted down in the judgment passed by learned SDJM, Ratia, are as under:-

“2. Briefly stated the instant case was registered on the complaint Ex.PW1/B of complainant Rajwinder Singh son of Swaran Singh r/o village Ganda who reported that on 3.2.2012 at about 6.30 P.M. he had gone to the house of his cousin sister (Mama's daughter) namely Baljeet Kaur where his sister and her father in law Harbans Singh were present. In the meanwhile, the accused Surjeet Singh came there. The accused Surjeet Singh and Baljeet Kaur entered into hot arguments regarding the transaction of lease amount as the accused had taken the land of Baljeet Kaur on lease. The complainant asked the accused to settle the matter amicably and peacefully but the accused got annoyed and started abusing Baljeet Kaur. The accused threw a brick towards the complainant which hit at the nose of the complainant. The complainant got unconscious and he was later on admitted to Government Hospital Raita by his brother Gurwinder Singh. Complainant requested to take action against the accused. On the complaint so given the instant case was registered.”

Learned SDJM, Ratia, after appreciating the evidence,

convicted and sentenced the petitioner as stated above. Appeal was filed by

the petitioner and the same was dismissed by learned Sessions Judge, Fatehabad, vide judgment dated 09.02.2017.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner prayed for reduction of sentence. Learned counsel for the petitioner contended that petitioner is poor person, only bread earner of the family and suffering from the criminal proceedings since 2012. He further contended that the petitioner is undergoing sentence since the dismissal of his appeal.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be poor person, only bread earner of the family and is facing long protracted criminal proceedings since 2012 i.e. for the last about 5 years and also in view of the fact that petitioner is undergoing sentence since dismissal of his appeal, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Surjeet Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

July 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No