

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

**CRR No.1664 of 2017 (O&M)**  
**Date of Decision: December 13, 2017**

Bagga Singh

...Petitioner

VERSUS

State of Punjab

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.N.K.Manchanda, Advocate  
for the petitioner.

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

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 16.04.2014 passed by learned Addl. Chief Judicial Magistrate, Moga, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment of fine, to further undergo imprisonment for a period of two months under Section 457 IPC and to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to further undergo imprisonment for a period of one month under Section 380 read with Section 511 IPC and also challenging the judgment dated 14.12.2016 passed

by learned Sessions Judge, Moga, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently. However, other co-accused were acquitted by learned ACJM, Moga.

From the record, I find that the challan was presented against petitioner along with other co-accused in case FIR No.14 dated 06.02.2012 under Sections 457, 380/511 and 458 IPC. The brief facts of the case as noted down in the judgment passed by learned ACJM, Moga, are as under:-

*“2. Prosecution story in brief is that on 6.02.2012, ASI Narang Singh, along with other police officials was present near the chowk situated near the brick kiln, when Gurjit Singh accompanied by sarpanch Kaur Singh came and got his statement recorded to the effect that he is resident of Village Ghal Kalan and is a truck driver. He is a bachelor and is residing alone in the house. On the night of 5.02.2012, after locking his house and the rooms, he went to sleep. At about 2.00 a.m., at night he found the door of his room open. As he came out of the room, he found three persons armed with swords standing in the courtyard. He exhorted a lalkara questioning as to who they were. One of them had given a sword blow on him. Even he had inflicted blows upon them in defence. The sword blow fell on his head, right shoulder and on right palm. Said persons had trespassed into his house with intent to commit theft. Two persons fled away after scaling the wall and he came to know about their names later on as Lovepreet Singh and Soni, residents of Ghal Kalan. The person who inflicted blows with sword upon him was apprehended and he was Bagga Singh son of Gurmail Singh. In defence, injury was caused at his instance also on the head of Bagga Singh. People gathered around hearing his alarm and he narrated the occurrence to them. Injured person Bagga Singh had been left in the custody of neighbourer Jaswinder Singh. So, he prayed for action. After recording the statement, it was read-over and explained to him, who signed the same and he attested it. Offence under Sections 457, 458, 380 read with Section 511 IPC was found made out and by sending ruqa through PHG Jagsir Singh, case was got registered. Site was inspected and site plan was prepared. Accused Bagga Singh was arrested and his search memo was prepared. On 29.02.2012 accused Balram Singh, Lovepreet Singh and Lakhvir Singh were arrested. On the basis of disclosure statements made by them weapons were recovered. On 22.05.2012 accused Manpreet Singh was arrested. After completion of remaining investigation, challan against the accused was presented in the Court on*

*24.09.2012.”*

Learned ACJM, Moga after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Sessions Judge, Moga, vide judgment dated 14.12.2016.

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

At the time of arguments, 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. Learned counsel for the petitioner contended that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2012. Learned counsel for the petitioner further contended that petitioner has already undergone actual sentence of 1 year 3 months and 5 days including remission.

I have heard learned counsel for the petitioner 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 16.04.2014 passed by learned ACJM, Moga, is correct, as per law and does not require any interference from this Court and the appeal filed by the petitioner has been rightly dismissed by learned Sessions Judge, Moga, vide judgment dated 14.12.2016.

However, keeping in view the facts and circumstances of the

present case and in view of the fact that petitioner is stated to be first offender, only bread earner of the family and facing long protracted criminal proceedings since 2012 i.e. for the last 5 years and in view of the fact that petitioner has already undergone 1 year 3 months and 5 days of actual sentence including remission of 2 months and 25 days, 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 Bagga 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.

**December 13, 2017**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**