

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2801 of 2017 (O/M)
Date of decision : 5.9.2017

Sajjan Singh and others

..... Revisionists

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sachin Luthra, Advocate, for revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present revision is the judgment dated 20.7.2017, passed by the learned Additional Sessions Judge, Ludhiana, affirming the judgment of conviction and modifying the order of sentence dated 17.1.2017, passed by the learned Judicial Magistrate 1st Class, Jagraon, vide which revisionists were convicted under Sections 326, 324 and 323 IPC and sentenced as under :-

<u>Sr. No.</u>	<u>Name of Convict</u>	<u>Offence</u>	<u>Sentence</u>	<u>Fine</u>	<u>In default</u>
1.	Sajjan Singh	U/s 326 IPC	RI for 2 (Two) years	Rs. 500/-	SI for 7 days
		U/s 324 IPC	RI for 1 (One) year	Rs. 500/-	SI for 7 days
		U/s 323 IPC	RI for 1 (One) year	Rss. 500/-	SI for 7 days
2.	Nirmal Singh	U/s 326 IPC	RI for 2 (Two) years	Rs. 500/-	SI for 7 days
		U/s 324 IPC	RI for 1 (One) year	Rs. 500/-	SI for 7 days
		U/s 323 IPC	RI for 1 (One) year	Rss. 500/-	SI for 7 days

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3.	Jaswant Singh	U/s 326 IPC	RI for 2 (Two) years	Rs. 500/-	SI for 7 days
		U/s 324 IPC	RI for 1 (One) year	Rs. 500/-	SI for 7 days
		U/s 323 IPC	RI for 1 (One) year	Rss. 500/-	SI for 7 days

All the sentences were directed to run concurrently.

The learned Additional Sessions Judge, Ludhiana, modified the sentence of all the revisionists by reducing the sentence under Section 326 IPC from rigorous imprisonment for 2 years to rigorous imprisonment for 1 year and also directed all the accused to pay Rs. 5,000/- each to the complainant.

Heard.

As per the prosecution case, Darshan Singh (complainant) and his brother Gurmail Singh had purchased 5 bigha of land about 18 years back from Avtar Singh and 8 bigha of land from Ruldu Singh, about 6/7 years back. Ruldu Singh's brothers Sajjan Singh and Nirmal Singh (sons of Avtar Singh) had raised a dispute about 1-1/2 bigha land from 13 bigha purchased by complainant Darshan Singh. The civil dispute was pending. As per the prosecution case, on 16.9.2008, at about 1:30 PM, when complainant Darshan Singh alongwith his brother Gurmail Singh reached their land, they saw that Jaswant Singh alias Bunty son of Sajjan Singh was driving a tractor in their land and Sajjan Singh armed with iron sickle and Nirmal Singh armed with gandasi were sitting on the mudguard of the tractor. They were ploughing the standing cotton crop of the complainant. When the complainant stopped them, Nirmal Singh and Sajjan Singh came down from the tractor and gave various injuries on the person of Darshan Singh (complainant) and Gurmail Singh. In the meanwhile, 10/12 more persons armed with sticks and Soti came in two Sumo cars and they started

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beating them and took them to motor and thereafter the remaining land i.e. on 2 bigha land cotton crop and on 1 bigha land paddy crop was ploughed. The medical evidence shows that Darshan Singh received as many as 8 injuries, out of which injury No. 7 was found to be grievous in nature. Gurmail Singh received 5 injuries. Duration of all the injuries were found to be within six hours.

In this case, the statements of both the injured have been supported by the medical evidence. The injuries from its face cannot be stated to be self inflicted and self suffered. The standing crops of both the injured was ploughed by accused.

The learned counsel for revisionists has argued that mere presence of accused Jaswant Singh alias Bunty does not make him liable for offence punishable under Section 34 IPC as no specific injury has been attributed to accused Jaswant Singh alias Bunty.

I am of the view that as per the evidence led by prosecution, accused Jaswant Singh alias Bunty was driving the tractor and ploughing the land of both the injured and his father Sajjan Singh as well as his uncle Nirmal Singh was sitting on the mudguard carrying arms, so as to prevent anybody, who dare to interfere in their operations. It appears to be a well planned crime, as according to prosecution case, 10/12 more persons came and gave sound beating to complaint. Both the Courts below have taken consistent view that the commission of offences is proved. It being so, the liability of accused Jaswant Singh alias Bunty for offence punishable under Section 34 IPC was rightly determined by both the Courts below. There is no ground to interfere in the concurrent findings recorded by both the Courts below. There is no ground to grant probation also. Hence, present

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Sanjiv Kumar Sharma
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I attest to the accuracy and
authenticity of this document
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revision is dismissed.

(KULDIP SINGH)
JUDGE

5.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No