

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No.714 of 2017 (O&M)
Date of Decision: 02.06.2017

Satpal Singh & others

--Petitioners

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Gill, Advocate for the petitioners.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. S.S. Sahu, Advocate for the complainant/respondent No.2.

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TEJINDER SINGH DHINDSA, J.

In terms of judgment dated 24.04.2013 passed by the Sub
Divisional Judicial Magistrate, Tohana, the present petitioners were held
guilty, convicted and sentenced as under:

1.	323 read with Section 149 IPC	To undergo rigorous imprisonment for a term of six months each and pay fine of Rs.500/- each. In default of payment of fine, to further undergo simple imprisonment for 15 days.
2.	148 read with Section 149 IPC	To undergo rigorous imprisonment for a terms of one year each and pay fine of Rs.500/- each. In default of payment of fine, to further undergo simple imprisonment for one month.
3.	452 read with Section 149 IPC	To undergo rigorous imprisonment for a term of one year each and pay fine of Rs.500/- each. In default of payment of fine, to further undergo simple imprisonment for one month.
4.	506 read with Section 149 IPC	To undergo rigorous imprisonment for a term of two years each.
5.	392 read with Section 149 IPC	To undergo rigorous imprisonment for a term of two years each and pay fine of Rs.1000/- each. In default of payment of fine, to further undergo simple imprisonment for one month.

An appeal having been preferred, the petitioners stand acquitted

for offences under Sections 392/506 IPC but their conviction under Sections 148/149/323/452 IPC has been maintained vide judgment dated 14.02.2017 passed by the 1st Appellate Court.

The instant revision petition is directed against the judgment dated 14.02.2017 passed by the learned Additional Sessions Judge, Fatehabad.

Learned counsel appearing for the petitioners at the very outset makes a statement that he is not assailing the conviction of the petitioners on merits but would confine the scope of the present petition only as regards quantum of sentence.

In the light of such submission raised by counsel, it would not be necessary for this Court to delve into the minute details of the case. Suffice it to notice that the process of law was set in motion on the statement of complainant, Karnail Singh, who asserted that Jasmeet Kaur/petitioner No.4 herein was married to his son Rajvinder Singh on 11.02.1993. After marriage, Rajvinder Singh got separated from the complainant and started residing separately in a house along with accused Jasmeet Kaur. Marriage of Ranjeet Kaur daughter of the complainant was fixed to be solemnized on 02.09.2006. However, Jasmeet Kaur did not want her husband Rajvinder Singh to join the marriage and started raising a dispute on such issue in her matrimonial home. On 21.08.2006 at about 10 p.m., the accused party/petitioners are stated to have visited the house of the complainant carrying *lathis* and *ballis*. Threats were issued to the complainant that they should take accused Jasmeet Kaur to her paternal home as Rajvinder Singh was wanting to attend marriage of her sister and against the wishes of Jasmeet Kaur. When the complainant resisted, the accused caused injuries to him as also to her daughter Ranjeet Kaur.

Further allegations were that the accused also entered into the room of the complainant and took away a gold chain, a pair of gold earrings, two gold rings and cash amount of Rs.1 lakh that had been kept in a trunk for the marriage of daughter of the complainant, namely, Ranjeet Kaur.

The trial has ensued in the conviction of the petitioners and order of sentence passed by the trial Court as noticed hereinabove.

The appeal preferred by the petitioners has been partly allowed and conviction under Sections 148/149/323/452 IPC has been maintained.

The impugned judgment dated 14.02.2017 passed by the Appellate Court has been perused.

In the considered view of this Court, the same has been recorded upon due appreciation of evidence and by assigning valid and cogent reasoning. In any case, counsel has not assailed the conviction on merits.

However, this Courts finds that there are sufficient mitigating circumstances that would justify intervention as regards quantum of sentence.

Incident relates back to the year 2006. Petitioners have faced the pangs of trial followed by an appeal for a period over one decade. The altercation and occurrence was essentially a fallout of a matrimonial dispute.

Counsel for the petitioners submits that even though the petitioners belong to a poor family, yet they would be ready and willing to compensate the injured party by an amount of Rs.10,000/- each.

As per custody certificates furnished by learned State counsel, the petitioners have undergone an actual custody period of 2 months and 6 days as on 19.04.2017. In other words, as of date, the petitioners have undergone custody period of 3½ months approximately.

In the totality of circumstances, this Court is of the considered view that the ends of justice would be met, if the substantive sentence awarded

to the petitioners is reduced to a period of six months RI.

For the reasons recorded above, the present revision petition is partly allowed to the extent of upholding the conviction of the petitioners for offence under Sections 148/149/323/452 IPC. The substantive sentence awarded to the petitioners is reduced to 6 months RI.

Petitioners would be released upon completion of such reduced sentence and upon prior deposit of Rs.10,000/- each before the trial Court towards compensation as also upon deposit of fine as imposed by the trial Court, if not already paid.

The total deposit of Rs.40,000/- to be made by the petitioners before the trial Court (Rs.10,000/- each) would be disbursed in faovur of the complainant/injured, Karnail Singh as also his daughter Ranjeet Kaur equally i.e. Rs.20,000/- each.

Revision petition is disposed of in the aforesaid terms.

02.06.2017*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |