

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

CRR-275-2006 (O&M)

Date of decision:04.12.2018

Bhupinder Singh and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. D.S. Sandhu, Advocate
for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.

Kuldeep Singh, J. (Oral)

Heard.

This is a Criminal Revision Petition filed against judgment dated 24.01.2006, passed by learned Sessions Judge, Kapurthala, vide which, the judgment of conviction and order of sentence dated 15.03.2005, passed by learned Judicial Magistrate, 1st Class, Kapurthala, was upheld, whereby, present petitioners were convicted under Sections 323, 324, 325, 148 & 149 IPC and sentenced to undergo maximum imprisonment for two years and all the sentences were directed to run concurrently.

After arguing for some time, learned counsel for the petitioners presses the petition only on the quantum of sentence. Learned counsel

for the petitioners contends that in this case, though there as many as 49 injuries on the person of complainant-injured namely Ashok Kumar @ Surinder Kumar, but most of the injuries are contusion and are in minor nature and were apparently fabricated to add on the number of injuries. Learned counsel contends that the sister of Bhupinder Singh & Jaswinder Singh was teased by the complainant some days earlier. Ashok Kumar @ Surinder Kumar and Dalip Singh @ Kuldip Chand were convicted under Section 294 IPC, vide judgment dated 27.10.1993, passed by learned Judicial Magistrate, Ist Class, Kapurthala. Learned counsel contends that the occurrence took place 28 years back but conviction was recorded in the year 2005 i.e. 13 years back. Now the petitioners are 55 to 60 years old. Therefore, it is prayed that the petitioners be released on probation.

Custody certificate filed by the State shows that the petitioners have undergone actual sentence of 04 months & 02 days.

Considering that it is 28 years old dispute and that the petitioners had faced trial for about 15 years before the trial Court, during which their father Avtar Singh-co-accused died, while maintaining the conviction of the petitioners under Sections 323, 324 & 325 IPC read with Section 149 IPC, the sentence passed by the trial Court under the above said Sections is reduced to the period already undergone by them. However, both the petitioners shall pay Rs.25,000/- each to Ashok Kumar @ Surinder Kumar-injured within one month as compensation by depositing the same before the trial Court, which shall notify Ashok Kumar @ Surinder Kumar and pay the same as compensation to him. It

is made clear that if the said amount is not deposited, the present Criminal Revision Petition is deem to have been dismissed and the petitioners have to undergo the remaining part of sentence, passed by both the Courts below.

Criminal Revision Petition is dismissed with the above modification.

(KULDIP SINGH)
JUDGE

04.12.2018
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No