

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 3623 of 2017 (O&M)

Date of decision : 26.3.2018

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Randeep Kumar @ Sonu and others

.....Petitioners

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Accused Randeep Kumar @ Sonu, Daljit Singh @ Kaka and Jaspreet Singh @ Jassa were sent up to face trial by SHO, Police Station Goraya, District Jalandhar, in FIR No. 57 dated 26.3.2008, for offences under Sections 326, 323, 148, 149 IPC, in the Court of Judicial Magistrate Ist Class, Phillaur, who vide judgment dated 4.8.2015, convicted accused Daljit Singh, Sarabjit Singh, Randip Kumar and Jaspreet Singh and sentenced them as follows :-

<i>Name of the convict</i>	<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
Sarabjit Singh @ Badonga	326 IPC read with 149 IPC	3 years RI	10,000/-	--
	324 read with 149 IPC	1 year RI	5,000/-	--
	148 IPC	6 months RI	--	--
Jaspreet Singh @ Jassa	326 IPC read with 149 IPC	3 years RI	10,000/-	
	324 read with 149 IPC	1 year RI	5,000/-	
	148 IPC	6 months RI	--	
Randip Kumar @ Monu	326 IPC read with 149 IPC	3 years RI	10,000/-	
	324 read with 149 IPC	1 year RI	5,000/-	
	148 IPC	6 months RI	--	
Daljit Singh @ Kaka	326 IPC read with 149 IPC	3 years RI	10,000/-	
	324 read with 149 IPC	1 year RI	5,000/-	
	148 IPC	6 months RI	--	

All the sentences were ordered to run consecutively.

Whereas, Harpreet Singh @ Hapo, Jagtar Singh @ Kala, Jatinder @ Billu and Ramandeep Singh @ Ramna had been declared as proclaimed offenders.

Briefly stated facts of the case, as per the prosecution story are that on 18.3.2008, complainant Navtej Singh s/o Tara Singh, a Kabbadi player, returned home after doing practice at Shaheed Bhagat Singh Club. After that he went to tea stall, where younger brother of Randeep Kumar @ Monu, namely Sunil Kumar saw him and went away. While the complainant was talking with his friend, in the meanwhile one Indica car of white colour and one Zen car of white colour came there and stopped near the complainant. Randip Kumar, Happo, Daljit Singh and Billu all having gandasas, Ramandeep Singh @ Ramna, Jassa, Kala and Sarabjit @ Badonga all

having kirpans, came out of the car and attacked him with their respective weapons. Thereafter, presuming the complainant to be dead they left the spot alongwith their respective weapons. The complainant was taken to DMC Hospital, Ludhiana, where he was treated and medico legally examined. His statement was recorded by the police. Formal FIR was recorded. Four of the accused were arrested, whereas the remaining accused were declared as proclaimed offenders. The trial against such accused proceeded and they were convicted and sentenced as detailed above.

Feeling aggrieved by the judgment of their conviction and sentence, the accused-convicts preferred appeals, which were dismissed by Additional Sessions Judge, Jalandhar, vide judgment dated 13.9.2017. Sarabjit Singh had absented from the Court, therefore, his conviction warrants were sent to Chief Judicial Magistrate, Jalandhar, to get him arrested to undergo the sentence. Remaining three accused were taken into custody. They have preferred the present revision petition before this Court, notice of which was given to the State.

The revision petition has been admitted and recovery of fine has been ordered to be stayed during pendency of the revision petition, vide order dated 6.10.2017

Learned counsel for the revisionists does not challenge the judgments passed by the courts below on the point of conviction but wants to put forward submissions with regard to the fact that the sentence of the convicts was ordered to run consecutively by the trial Magistrate and seal of approval was put thereon by the Appellate

Court without any justifiable reason and that wrong be undone. Further more, he has contended that Randeep Kumar @ Sonu had undergone 2 years 8 months and 29 days, Daljit Singh @ Kaka has undergone 2 years 8 months and 27 days and Jaspreet Singh @ Jassa has undergone 1 year, 8 months and 3 days of imprisonment, out of the total sentence, as per the custody certificates filed by the State counsel. According to learned counsel for the revisionists, the families of the revisionists are dependent upon them for financial support. Daljit Singh @ Kaka and Jaspreet Singh @ Jassa are not having any past criminal record. Regarding Randeep Kumar @ Sonu, though he is shown to be involved in other criminal cases, but he is on bail in those cases and he has not misused the concession of bail during the trial.

After hearing the submissions made by learned counsel for the revisionists and learned State counsel, I am of the view that ends of justice would be adequately met, if the revisionists are sentenced to the imprisonment already undergone by them in this case, by modifying the impugned judgments passed by the Courts below.

Therefore, the impugned judgments are upheld on the point of conviction, whereas those are modified as regards the sentence part and revisionists-convicts are ordered to be sentenced to imprisonment already undergone by them in this case, whereas the fine part is kept intact. As per the custody certificate they have already deposited the amount of fine imposed upon them.

With the above modification, the revision petition stands disposed of.

26.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No