

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

CRR No. 2057 of 2018 (O&M)

DATE OF DECISION :- September 21, 2018

Teetu Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Madan Sandhu, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Harjeet Kaur-complainant in person.

CRM No. 30866 of 2018

This is an application of complainant for permission to appear in person since written arguments on her behalf have already been submitted.

Heard.

Allowed.

CRR No. 2057 of 2018

Complainant Hajit Kaur had brought a complaint under Section 452, 354, 325, 506, 34 IPC against accused Teetu Singh, a Car mechanic, Jaggi Singh, Painter, Gurtej Singh, Constable in Punjab Police on the allegations that complainant is a divorcee and she along with her minor daughter aged about 13-14 years, named Rubi a student of 10th Class has been residing in a rented accommodation in a house owned by one Makhan Singh. Gurcharan Kaur and her son related to Makhan Singh are residing on the first floor of the house. The complainant has been visiting her parents at Mohali. Teetu Singh, a Car

mechanic had been acquainted with the complainant and was on visiting terms with her. On 5.8.2006 at about 2'O Clock, while the complainant had gone to meet her parents at Kharar and had left her daughter Rubi in the company of Gurcharan Kaur, Teetu Singh was aware of that fact. On that very day at around 8.00 P.M. he made a call on mobile phone of the complainant, which was in possession of her daughter Rupina @ Rubi and enquired whether the complainant had come back. Rubi replied in negative. Then Teetu Singh said vehicle of his landlord had broken down and his family members would sleep in their house. Rubi was not agreeable to that suggestion then accused Teetu Singh along with 2/3 other persons abused and threatened Rubi on telephone. Identity of other two persons was later on revealed as Jaggi Singh and Gurtej Singh. On 7.8.2006, when the complainant returned home then her daughter narrated the entire incident to her. It transpired that accused Jaggi Singh and Gurtej Singh had made a call on mobile phone of complainant, which was in possession of her daughter in connivance with Teetu Singh. As a matter of fact Teetu wanted Jaggi Singh and Gurtej Singh to sleep in house of the complainant to ravish her daughter Rubi. All the three accused rather threatened the complainant as such she submitted a written complainant to SSP, Mansa on 24.8.2006. Her statement was got recorded at Police Station City Mansa on 15.9.2006 but the police did not take any action, despite best efforts made by the complainant and her taking up the matter with SSP Mansa and Punjab State Woman Commission. On 24.3.2007 when the complainant along with her daughter was sitting inside her house, then Teetu Singh and Jaggi Singh came there and at that time they were under the influence of liquor. They threatened the complainant with the dire consequences. Teetu Singh entered into verbal altercation with the complainant whereas Jaggi Singh

twisted arm of daughter of the complainant and molested her. The complainant raised alarm which attracted Amrik Singh, a Rickshaw puller and thereafter both the accused ran away. While leaving the spot they threatened that if the matter was reported to the police then the complainant, and her daughter would be eliminated. The complainant reported the matter to SSP Mansa on 26.3.2007 but no action was taken, as such the complainant filed a private complaint before Judicial Magistrate Ist Class Mansa.

After recording of preliminary evidence accused was directed to be summoned for offences under Sections 452, 354, 506 read with Section 34 IPC. On appearance of the accused in the Court complainant examined Sh. Bipan Singh, JTO C.C.N.B.S.N.L as CW1, HC Ranjit Singh as CW2, Amrik Singh CW3, Rupina as CW4 and got her own statement recorded as CW5. With that the pre charge evidence of complaint stood closed. After hearing arguments the trial Court framed charge for offences under Sections 506, 452 and Section 354 read with Section 34 IPC against the accused. After framing of charge the complainant examined herself and her daughter tendered some documents and thereafter closed her after charge evidence.

Statements of the accused were recorded under Section 313 Cr.P.C. in which all the incriminating circumstances appearing against the accused were put to them but they denied the same and stated that they are innocent having been falsely involved in this case; that complainant is in habit of moving false complaints to fetch money. The accused did not examine any witness in defence.

After hearing the arguments the trial Magistrate convicted Teetu Singh and Jaggi Singh for offences under Section 452 and 354 IPC and they were sentenced to undergo rigorous imprisonment for one year each and to pay

a fine of Rs.500/- each and in default of payment of fine to undergo further rigorous imprisonment for 15 days each. The third accused constable Gurtej Singh was however acquitted. The accused-convicts had preferred an appeal to the Court of Sessions which was assigned to Additional Sessions Judge, Mansa vide judgment dated 13.4.2018. Inasmuch as the appeal was dismissed and the judgment of conviction and sentence was upheld.

Feeling dissatisfied with the said judgment, both the accused-convicts have preferred the present criminal revision petition before this Court, notice of which was given to the State as well as the complainant, who put in appearance.

I have heard learned counsel for the petitioners, complainant Harjeet Kaur and learned State counsel besides going through the record.

At the very outset, learned counsel for the revisionists has stated that he does not challenge the impugned judgments passed by the Courts below on the point of conviction, however, he has got submissions to make as regards the sentence part. According to learned counsel for the revisionists in terms of the custody certificates placed on record by the State counsel accused Teetu Singh has undergone total sentence of 6 months and 14 days whereas accused Jaggi Singh has undergone 5 months and 7 days and before that Teetu Singh had undergone 17 days as under trial. No previous conviction is alleged or proved. Both the revisionists accused are stated to be poor persons not having any previous criminal record. Teetu Singh is said to be married having four children. Jaggi Singh is also having 4 girl child. In addition to that Jaggi Singh is stated to be handicapped. Copy of the medical certificate in that regard has been attached.

Learned counsel for the petitioners submits that keeping in view

all the facts and circumstances sentence of petitioners be reduced. They have paid Rs.5,000/- each to the complainant as ordered by Hon'ble apex Court. Complainant, who is present in the Court admits having received a sum of Rs.10,000/-.

After hearing the rival contentions, I am of the view that ends of justice shall be adequately met if sentence of both the revisionists accused is reduced from one year rigorous imprisonment to the imprisonment already undergone by them in this case while keeping in view the fine part intact. With such modification in the sentence part as regards the impugned judgments, the revision petition is disposed off as partly allowed. The revisionists, who are stated to be in custody are set at liberty if their custody is not required in connection with any other case. The amount of fine if not paid the same be got paid.

(H.S. MADAAN)
JUDGE

September 21, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No