

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

CRR No.2258 of 2018 (O&M)
Decided on:-September 06, 2018.

Resham Singh and another

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

HARI PAL VERMA, J.

Petitioners, namely, Resham Singh and Satnam Singh have filed the present revision petition against the judgment dated 07.05.2018 passed by learned Additional Sessions Judge, Bathinda whereby their appeal against the judgment of conviction and order of sentence dated 15.11.2016 passed by learned Judicial Magistrate 1st Class, Phul, was dismissed.

Briefly stated, an FIR No.64 dated 10.08.2014 under Sections 323, 324, 325, 326, 341 and 506 read with Section 34 IPC was registered against the petitioners-accused at Police Station Balianwali, District Bathinda on the allegations that on the basis of statement of complainant-injured Labh Singh. He had stated in his statement that on 06.08.2014, he was lying in his house after having meal. In the meantime, on hearing the door bell, he

switched on the light and opened the door. Accused Resham Singh raised a Lalkara to teach him a lesson for disturbing the level of the street and gave a Ghasoli (small spade) blow on his person, which hit on the finger of his right hand. He also gave another blow of Ghasoli to him and in order to save himself, the complainant tried to hold the Ghasoli with left hand and the blow hit on the little finger of his left hand. Thereafter, the complainant came in the street and raised a hue and cry. At that time, it was about 09.30 P.M. In the meanwhile, accused Satnam Singh son of Resham Singh, who was armed with a Kasia came there and while exhorting Lalkaras, he asked his father to step aside and he would teach a lesson to the complainant. Then accused Satnam Singh gave a Kasia blow from the sharp side on the head of complainant, which hit on the right side of his head. On hue and cry being raised by the complainant, his son Harjit Singh and other neighbours came at the spot and on seeing them, both the accused ran away from the spot along with their respective weapons, after giving him threats to the complainant of dire consequences. Thereafter, the complainant was admitted to Civil Hospital Talwandi Sabo by his nephew Bhupinder Singh and his son Jagdeep Singh, where he was medically examined.

After completion of investigation, Challan was presented in the Court. The copies of Challan as envisaged under Section 207 Cr.PC were supplied to the accused free of costs. On finding a prima-facie case, the accused were charge sheeted for the commission of offence punishable under Sections 341, 326, 325, 324, 323 and 506 read with Section 34 IPC to which they did not plead guilty and claimed trial.

After recording the evidence and hearing the parties, learned trial Court vide judgment and order dated 15.11.2016 convicted the petitioners and sentenced them as under:

<u>Name of convict</u>	<u>Offence</u>	<u>Period of Sentence</u>
<u>Resham Singh</u>	326 read with Section 34 IPC	Rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for one month.
	325 read with Section 34 IPC	Rigorous imprisonment for one year and to pay fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for 15 days.
	324 IPC	Simple imprisonment for six months and to pay a fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for 7 days.
	323 IPC	Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days.
	341 IPC	Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days.
	506 IPC	Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days.
<u>Satnam Singh</u>	326 read with Section 34 IPC	Rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for one month.
	325 read with Section 34 IPC	Rigorous imprisonment for one year and to pay fine of Rs.500/- and in default of

payment of fine to further undergo simple imprisonment for 15 days.

324 IPC Simple imprisonment for six months and to pay a fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for 7 days.

323 IPC Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days.

341 IPC Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days.

506 IPC Simple imprisonment for three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo simple imprisonment for 7 days

It was further ordered that all the substantive sentences shall run concurrently.

Feeling aggrieved, the petitioners preferred an appeal against the said judgment and order of sentence before the Court of Session. Similarly, complainant Labh Singh also preferred a separate appeal for enhancement of the sentence awarded to the petitioners. However, vide common judgment dated 07.05.2018 passed by learned Additional Sessions Judge, Bathinda, both the appeals were dismissed.

It is in the aforesaid circumstances, the petitioners have filed the present revision petition.

At the outset, learned counsel for the petitioners has not challenged conviction of the petitioners and has confined his arguments qua

the quantum of sentence only. He has contended that as against the awarded sentence of two years, petitioner Resham Singh has already undergone imprisonment for 5 months and 18 days including remission, whereas petitioner Satnam Singh has already undergone imprisonment for a period of 4 months and 10 days including remission.

He has further contended that the petitioners are first time offenders and there is no other criminal case pending against them. They are poor persons and are the sole bread earners of their families. They have been suffering the agony of criminal proceedings since 10.08.2014 i.e. the date when the FIR in question was registered against them. Thus, he has prayed that the sentence of the petitioners may be reduced to the period already undergone by them.

Learned State counsel has filed the affidavit of custody showing the custody period of both the petitioners in the Court today, which is taken on record. He has not disputed the custody of the petitioners, but has opposed the plea of taking a liberal view, as pleaded by learned counsel for the petitioners. However, he states that there is no other case against the petitioners.

I have heard learned counsel for the parties.

On perusal of the judgments of both the Courts below, this Court is of the considered view that the trial Court has rightly appreciated the evidence on record while holding the petitioners guilty for commission of offence under Sections 326 and 325 read with Section 34 IPC and Sections 324, 323, 341 and 506 IPC. The appellate Court has also dismissed their

appeal. There is no illegality or perversity in the findings given by both the Courts below which may warrant interference of this Court by invoking its revisional jurisdiction. Even otherwise, learned counsel for the petitioners has not assailed the judgments of conviction and has, rather, restricted his arguments qua the quantum of sentence only. The conviction of petitioners, namely, Resham Singh and Satnam Singh is, therefore, affirmed.

So far as the issue of quantum of sentence is concerned, admittedly, petitioner Resham Singh has already undergone imprisonment for 5 months and 18 days including remission, whereas petitioner Satnam Singh has already undergone imprisonment for a period of 4 months and 10 days including remission. They are the first time offenders and no other case is pending against them. They have been facing the agony of criminal proceedings since 10.08.2014 i.e. the date when the FIR in question was registered against them.

Therefore, taking into account the protracted trial, antecedents of the petitioners as well as the period of their incarceration, this Court feels that the ends of justice would be met, if the sentence awarded to the petitioners is reduced to the period already undergone by them subject to payment of compensation of Rs.30,000/- (Rs.15,000/- each) to injured-complainant Labh Singh, as envisaged under Section 357 Cr.P.C.

Ordered accordingly.

However, there will be no change in the sentence of fine. Perusal of the order of conviction dated 15.11.2016 passed by learned trial Court reveals that the amount of fine has already been paid by the petitioners.

Therefore, the petitioners be released forthwith, if not required in any other case, upon deposit of the amount of compensation.

With aforesaid modification in the order of sentence, the present revision petition is dismissed.

September 06, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No