

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

(i)

CRR No.2669 of 2018 (O&M)

Ved Parkash

...Petitioner

VERSUS

State of Punjab and another

...Respondents

(ii)

CRR No.2739 of 2018 (O&M)

Ved Parkash

...Petitioner

VERSUS

State of Punjab and another

...Respondents

(iii)

CRR No.3525 of 2018 (O&M)

Ved Parkash

...Petitioner

VERSUS

State of Punjab and others

...Respondents

(iv)

CRR No.3536 of 2018 (O&M)

Ved Parkash

...Petitioner

VERSUS

State of Punjab and another

...Respondents

Date of Decision: November 27, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Puja Chopra, Advocate
for the petitioner.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned four connected revisions as these have arisen from same FIR.

The present revision petitions have been filed by the petitioner against State of Punjab and other accused-respondents challenging the judgment dated 28.05.2018 passed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide which the appeal filed by the accused-respondents against the judgment of conviction and order of sentence dated 24.01.2017 passed by learned Judicial Magistrate Ist Class, Kharar, was dismissed with the modification in the sentence and accused-respondents were released on probation on their furnishing probation bonds in the sum of ₹50,000/- with one surety each in the like amount and further, compensation of ₹50,000/- was awarded to injured Ved Parkash.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the challan was presented against the accused-respondents in case FIR No.179 dated 14.05.2009 under Sections 323, 324, 506, 148, 149 and 452 IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, Kharar, are as under:-

“2. Briefly stated, case of the prosecution is that on 13.5.2009 HC Joginder Singh was present at police station Kharar when HC Ujjagar Singh MHC handed over a medical ruqa received from Civil Hospital Kharar to HC Joginder Singh regarding admission of Ved Parkash S/o Kulwant Rai Resident of shop No.3882 main market Kharar due to injuries. On this, HC Joginder Singh along with police officials reached Civil Hospital Kharar and moved application for obtaining the opinion of doctor regarding fitness of injured Ved Parkash to make statement and the doctor declared injured as unfit to make the statement. On 14.5.2009 HC Joginder Singh along with police officials again reached Civil Hospital Kharar and

moved an application on which the doctor declared injured Ved Parkash as fit to make the statement. Injured got recorded his statement to the effect that he is running a ready-made garment shop in the name and style of Shivalik Collection in the main market Kharar and the number of his shop is 3882. On 12.5.2009 at about 8:10 PM, his son Akshey was shifting the articles lying outside the shop within the shop when the 10-12 persons came there which includes Ashu S/o Vimal Kumar armed with base ball, Surinder Sharma S/o Banarasi Dass armed with hockey, Vikram Sharma S/o Surinder Sharma armed with Daggar, Ravinder Kumar S/o Sohan Lal armed with iron pipe/Bhookna and Sonu @ Sandeep Kumar nephew Ravinder Kumar armed with Danda. The above mentioned persons and 5-7 other persons accompanying them started abusing his son on their arrival. When they were asked about abusing, they started beating his son with fist and danda blows. His son came into the shop towards him in order to save himself. After him, Ashu S/o Vimal Kumar, Surinder Sharma, Vicky @ Vikram entered into the shop and Vikram Sharma attacked him with dagger. He raised his left arm in order to save his son and the blow of dagger hit his left arm below the elbow. Thereafter, Ashu gave blow of baseball towards his son which hit his left wrist. After that Surinder Sharma gave blow with hockey and as a result of which the glass of the showcase was broken. After him Ravinder Kumar also came inside the shop and gave several blows with iron pipe/Bhookna on the person of Akshey Jindal. They raised hue and cry when Satish Kumar Chadda S/o Radhey Shyam and Parvinder Singh residents of Guru Nanak Colony came present and rescued them, otherwise the accused would have caused them more injuries. On their arrival, all the accused fled away from the spot with their respective weapons while giving the threats to their life. The grudge is that he is hanging clothes outside his ready-made garment shop and the accused damaged those cloths. There is handpump in front of the shop of Ravinder Kumar and he abused them several times when they went to take water. He has obstructed them from giving abuses several times. Thereafter, Parvinder Singh arranged for a private vehicle and got admitted him in Kharar where he is under treatment now. The statement was read over and explain to the maker, who signed the same under token of its correctness. As per the medical record, the injured suffered two injuries out of which injury no.1 was caused with sharp edged weapon and injury no.2 was caused with blunt weapon. On the basis of statement and the medical record, FIR u/s 323, 324, 506, 148, 149, 452 of IPC was got registered against the accused persons. Thereafter, IO visited the spot and prepared the rough site plan. He also recorded statement of witnesses. On 9.6.2009 accused Surinder Sharma, Anshul Gupta @ Ashu, Ravinder Kumar, Sandeep Kumar @ Sonu were admitted to bail and anticipatory bail application of accused Vikram

Sharma @ Vicky was dismissed. In the meantime an application was moved by accused Surinder Sharma to DSP Kharar and it was inquired into by SI Atul Soni Ex SHO PS City Kharar. He recorded statements of the witnesses and during inquiry he found the place of incident outside the shop on the road and as per zimni no.12 dated 15.6.2009 offence u/s 452 IPC was reduced. As per zimni no.13 dated 23.6.2009 the present SHO gave his consent to the same and as per zimni no.14 dated 1.1.2009 DSP Kharar namely Simratpal Singh also gave consent to the inquiry conducted by SI Atul Soni and the present SHO, SI Tarlochan Singh. During this period HC Joginder Singh obtained opinion of doctor as to the nature of the injuries suffered by complainant Ved Parkash and the injuries were declared as simple in nature. The record was collected. After completion of the investigation and other necessary formalities, challan was presented against the accused persons in the court.”

Learned JMIC, Kharar, on the basis of the evidence, convicted accused-respondent Vikram Kumar @ Vicky under Sections 148, 452, 323 and 324 IPC whereas other accused-respondents were convicted under Sections 148, 452, 323 and 324 read with Section 149 IPC and sentenced them to undergo rigorous imprisonment for a maximum period of two years along with fine and these accused-respondents were acquitted of the charges under Sections 506 IPC. Separate appeals were filed by the accused-respondents before Court of Session and learned Addl. Sessions Judge, SAS Nagar, Mohali, vide impugned judgment dated 28.05.2018 dismissed the appeals with the modification in the sentence and released the accused-respondents on probation, as stated above.

Aggrieved from the above-said impugned judgment dated 28.05.2018, present revision petitions have been filed by the petitioner-complainant.

From the record, I find that it is admitted fact that injuries are simple one and on non-vital part of the body. The fact that the accused-respondents are first offenders, is also not contested at the time of

arguments. Further, the FIR in the present case is of 2009 and accused have suffered long criminal protracted proceedings for about nine years. As per record, Surinder Sharma and Ravinder Kumar are old aged persons of 67 and 60 years respectively, whereas, accused Vikram Sharma, Anshul Gupta and Sandip Kumar are young man of 35, 34 ,and 37 years respectively.

As per the record, the injury on the person of Ved Parkash is one incised wound of 5 cm x .5 cm on the posterior medial aspect of left upper 1/3rd of forearm and second injury is complaint of pain. Further, I find that ₹50,000/- has already been awarded as compensation, which is to be paid to Ved Parkash injured.

Keeping in view the facts and circumstances of the present case and in view of the number of injuries as well as the fact that injuries are on non-vital part of the body and also in view of the age of the respondents and they being first offenders, learned Addl. Sessions Judge, SAS Nagar, Mohali, has rightly released them on probation and no illegality has been committed.

In view of the above discussion, I find that the impugned judgment 28.05.2018 passed by learned Addl. Sessions Judge, SAS Nagar, Mohali, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in all the revision petitions, the same are dismissed.

November 27, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No