

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

Sr. No.108

**CRR-515-2018 (O&M)
Date of decision : 09.02.2018**

Ravi and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Balkar Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

This petition has been filed challenging the judgment dated 22.02.2014 and order of conviction dated 24.02.2014 passed by learned Judicial Magistrate First Class, Gohana, and the appellate judgment dated 01.02.2018 passed by the Addl. Sessions Judge, Sonapat, whereby application of the petitioners was dismissed. The petitioners have been convicted and sentenced to SI for six months under Section 332 IPC and SI for six months with fine of Rs.500/- in default of payment of which to further RI for one month under Section 353 IPC. Fine stood already paid and both the sentences were to run concurrently.

Learned counsel for the petitioners contends that there are material contradictions in the statements of the eye-witnesses, who are official witnesses and that no independent witness has been examined even though the incident took place at a public place.

The evidence of the official witnesses have been appreciated by the Courts below and the argument regarding material contradictions has been repelled by giving cogent and convincing reasons. So far as, independent witness is concerned, the Courts below have held that the

petitioners assaulted a traffic policeman in the middle of the road and therefore, the public would rather avoid the incident than be witness thereto. The reasoning of the Courts below is based on evidence on record and I do not find any perversity or illegality therein.

Learned counsel for the petitioners then contends that a lenient view may be taken and the petitioners may be given the benefit of probation.

The occurrence in this case demonstrates a sense of arrogance and complete lack of self-discipline. Such actions of members of general public, are abhorrent to civic sense and the duty of citizens to abide by the rule of law. Thus, taking a lenient view in this case would run contrary to public policy.

In view of the above, the petition being devoid of merits is dismissed.

(SUDHIR MITTAL)
JUDGE

February 09, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No