

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4006 of 2014 (O&M)
Date of Decision: 31.1.2019

Ranjit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S.Kahlon, Advocate
for the petitioners.

Mr. H.S.Sullar, DAG, Punjab.

Mr. Ishwar Singh, Advocate
for respondents No. 2 and 3.

HARNARESH SINGH GILL, J.

Petitioners had faced the trial qua commission of offence punishable under Sections 452, 365, 323, 34 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 81 dated 30.5.2002, registered at Police Station Qila Lal Singh. Trial Court vide judgment/order dated 24.5.2010 ordered the conviction and sentence of the petitioners under Sections 452, 365, 323 read with Section 34 IPC. Aggrieved against the said judgment/order of their conviction and sentence, petitioners preferred an appeal which was dismissed by the Appellate Court vide judgment dated 18.11.2014. Hence, the present petition by the petitioners.

Prosecution story, in brief, is that on 30.5.2002, complainant

Kuljit Singh got recorded his statement with the police that he is permanent

resident of village Said Pur Kalan and earlier he was a truck driver in Mumbai where he was residing with his cousin Gurmej Singh. He developed relations with neighbourer Palwinder Kaur and performed marriage with her in April, 2002 against the wishes of the family of Palwinder Kaur. Thereafter they shifted to village Said Pur Kalan in April, 2002. It was alleged that in the preceding night, at about 3.00 A.M., father of Palwinder Kaur namely Harbans Singh (accused-petitioner) along with other accused-petitioners entered into his house. Accused-petitioners Harbans Singh and Gurbachan Singh were empty handed while accused Hardeep Singh was having a Kirpan and accused Ranjit Singh was having a datar. It was further alleged that they forcibly took away Palwinder Kaur and when he tried to save her, Gurbachan Singh caught him from his hair and raised *lalkara* to kill him. Hardeep Singh gave a blow from the reverse side of Kirpan on the left thumb of the complainant and Ranjit Singh gave blow from the reverse side of datar on the head of the complainant. Palwinder Kaur raised alarm upon which brother of the complainant namely Hardeep Singh and mother Balwinder Kaur came at the spot and rescued the complainant from the clutches of the accused but the accused forcibly took away Palwinder Kaur in their Tata Sumo vehicle. The reason behind the occurrence is that Palwinder Kaur had solemnized marriage with the complainant against the wishes of her family members. Hardeep Singh-brother of the complainant got admitted the complainant in the hospital. On the basis of the statement, suffered by the complainant and the medical record, FIR in question was registered. Palwinder Kaur was recovered and her statement under Section 164 Cr.P.C. was recorded.

After completion of investigation and necessary formalities,

challan was presented against the petitioner.

Charge was framed against the petitioners under Sections 452, 365, 506, 323, 34 IPC to which they pleaded not guilty and claimed trial.

In order to prove its case, prosecution examined 06 witnesses during trial.

In the statement recorded under Section 313 Cr.P.C., the petitioners/accused denied the prosecution case and abjured the trial and pleaded false implication.

No witness was examined by the accused in their defence.

The trial Court vide judgement and order dated 24.5.2010, convicted and sentenced the petitioners as under:-

Under Section 452 IPC	Rigorous imprisonment for one year with fine of Rs. 100/-. In default of payment of fine, convict is further ordered to undergo rigorous imprisonment for 15 days.
Under Section 365 IPC	Rigorous imprisonment for one year with fine of Rs. 100/-. In default of payment of fine, convict is further ordered to undergo rigorous imprisonment for 15 days.
Under Section 323 read with Section 34 IPC	Rigorous imprisonment for six months

The appeal preferred by the petitioners was dismissed on 18.11.2014 by Additional Sessions Judge, (Adhoc) Fast Tract Court, Gurdaspur.

At the outset, learned counsel for the petitioners has brought to the notice of this Court that the present FIR No. 81 dated 30.5.2002, registered at Police Station Qula Lal Singh arises out of the matrimonial dispute and compromise has also been effected between the parties.

Moreover, Kuljit Singh and Palwinder Kaur are living happily. It is a case

in which Palwinder Kaur solemnized marriage with Kuljit Singh without the consent of her family. As per the compromise, grudge in the mind of parents of Palwinder Kaur has been amicably settled and the family of Palwinder Kaur have accepted the marriage between the two. Thus, the present dispute has been amicably settled. Compromise dated 9.2.2017 Annexure P-3 has been placed on record which is duly signed by the parties. Moreover, the statements of Kuljit Singh and Palwinder Kaur by way of affidavits have also been placed on record.

Even otherwise the FIR in the present case was registered in 2002. Petitioners are facing the agony of trial from the last 16 years. There is no such report of misuse of concession of bail by the petitioners. The matrimonial dispute has already been settled. The parties have settled all their disputes and there has been no dispute in the intervening period. The parties are agreed to bury the hatchet. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioners is reduced to the period already undergone.

Accordingly, conviction of the petitioners under Section 452, 365, 323 read with Section 34 IPC is maintained. However, sentence qua imprisonment of the petitioners is reduced to the period already undergone by them. There would be no modification in the fine.

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

(HARNARESH SINGH GILL)
JUDGE

January 31, 2019
Gurpreet

Whether speaking/reasoned : **Yes**
Whether reportable : **Yes**