

...

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1830-2019 (O&M)
Date of Decision : July 22, 2019

Simranjit Singh alias Simra
.... Appellant

Versus

State of Punjab
.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Parampreet Singh Paul, Advocate,
 for the appellant.

 Ms. Monika Jalota, DAG, Punjab,
 for respondent-State .

SHEKHER DHAWAN, J.

Present appeal is directed against the judgment of conviction and order of sentence dated 31.05.2019, passed by learned Additional Sessions Judge, Rupnagar whereby appellant - Simranjit Singh alias Simra was convicted and sentenced alongwith other co-accused as under:-

Under Section	Sentence	In default
324 IPC	to undergo Rigorous Imprisonment for a period of One year and to pay a fine of Rs.1000/-	to further undergo R.I. for a period of 15 days.
148 IPC	to undergo Rigorous Imprisonment for a period of One year.	

...

2. Facts relevant for the purpose of decision of the appeal; that the present case was registered on the basis of statement of complainant, Inderpreet Singh to the effect that on 14.09.2012, the complainant alongwith Gurtej Singh alias Teji and Amritpal Singh had come to shop of Barber at Bus Stand, Kainaur. At about 11.00 AM, appellant – Simranjit Singh alias Simra armed with a sharp edged weapon from both sides alongwith co-accused Happy, Karamjit Singh alias Kala and Binda armed with *kirpans* came out of Jeep and one of them called the complainant by the name of Rana. When the complainant came out of the Barber shop, he saw that Gurdeep Singh alias Deepa, Mandeep Singh alias Ghuda, and Suraj Kumar armed with *kirpans* and other three unidentified persons came out of Bolero Jeep and another car of black colour. Appellant Simranjit Singh alias Simra raised *lalkara* to pick the complainant and then he gave *khanda* blow on his head. Meanwhile, co-accused Karamjit Singh alias Kala, another accused gave *kirpan* blow on his head as a result of which he fell on the ground. Thereafter, accused Happy gave *kirpan* blow on his head. Gurdeep Singh also gave *kirpan* blow on his head and when he tried to save by raising his arm, the kirpan blow hit the complainant on his left arm. Thereafter, Mandeep Singh alias Ghuda gave *kirpan* blow on his left elbow and other accused persons also gave injuries on his body. In the meantime, his father Sajjan Singh came at the spot and raised alarm. Thereafter, Simranjit Singh alias Simra took out revolver from his belt and while putting it on his temple, he told that if the complainant is survived from the injuries inflicted upon him, he would be shot dead with revolver. Thereafter all the above said persons fled away from the spot alongwith their respective weapons. The injured was taken to Civil Hospital, Morinda

...

for treatment and then he was referred to Sector 32 Hospital, Chandigarh due to his critical condition.

3. After completion of investigation proceedings, challan was presented in the Court for trial.

4. During trial, learned Court below completed various proceedings of trial including framing of charge against the accused, recording of evidence of the witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution and the defence evidence on record, learned trial Court held the appellant guilty and convicted him for commission of offence and sentenced him vide judgment and order dated 31.05.2019 as mentioned in para No.1 above.

5. Aggrieved of passing of judgment of conviction and order of sentence, the appellant is before this Court by way of present appeal.

6. Today, CRM-20176-2019 filed by Simranjit Singh alias Simra for suspension of sentence was listed. However, at the very outset, learned counsel for the appellant contended that he does not challenge the judgment of conviction and a lenient view on the point of sentence be taken and the main appeal, which stands admitted, may be decided today.

7. Learned State counsel contended that the appellant does not deserve any concession and the present appeal be dismissed.

8. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that the Court below has already appreciated the entire evidence consisting in the statement of prosecution witnesses and the medical evidence available on record, in its perspective manner and no interference is called for in the judgment of conviction recorded against appellant, Simranjit

...

Singh alias Simra. Learned trial Court has held that complainant, Inderpreet Singh (PW-1) as well as eye-witness, Amritpal Singh (PW-7) have deposed that first blow of *khanda* from the sharp edge side was given on the head of the complainant by appellant, Simranjit Singh alias Simra and thereafter another *kirpan* blow was inflicted on the head of complainant by Karamjit Singh and the third *kirpan* blow on the head of the complainant was given by Harpreet Singh alias Happy. The ocular testimony is supported by documentary evidence and medical record of the injured. As such, the present appeal, qua judgment of conviction passed by the trial Judge, stands dismissed qua appellant Simranjit Singh alias Simra.

9. As regard to quantum of sentence, this Court is certainly inclined to take a lenient view in this case. The appellant has already undergone substantial period of sentence 10 months and 20 days as per custody certificate dated 22.07.2019 placed on record today in the Court in the present case, taking a lenient view on the point of sentence, the order of sentence is modified to the extent that the sentence of appellant - Simranjit Singh alias Simra in this case shall be reduced from One Year under Sections 324 and 148 IPC to the one already undergone by him in this case. The appellant be released from custody in this case, if not required in any other case.

10. Resultantly, the present appeal stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

July 22, 2019

som

Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes