

CRR-842-2018(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-842-2018(O&M)
Date of decision: 16.11.2019

Baljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.M.S.Virk, Advocate for the petitioner

Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner has filed the present revision petition assailing the correctness of the judgment of conviction passed by the learned Judicial Magistrate, which has been affirmed in appeal, while modifying the sentence part and releasing the petitioner on probation.

Facts of the case as noticed by the learned Judicial Magistrate are extracted as under:-

“The case of the prosecution is that the present case was registered on the basis of letter No. 1650 dated 27.11.2010 moved by Mohaan Singh, Assistant Executive Engineer, Punjab State Power Corporation Ltd. Talwandi Sabo before the police. It was reported therein that as per the directions of Assistant Supervisory Engineer, Maur, five checking teams have been constituted. One checking team headed

by Shri Ashok Kumar, Assistant Executive Engineer was to check village Behniwal. During the checking at around 7:00 a.m when the checking team reached the house of Basant Singh son of Bharpur Singh having account No. BN-76/93, they found that Gurcharan Singh son of Basant Singh and Bhola Singh s/o of Basant Singh were committing theft of electricity after bypassing the meter. When the checking team comprising of Devraj, AJE, Gurtej Singh, JE, Balbir Singh JE, Gursewak Singh, ALM and Gurcharan Singh, ALM were preparing the written report. Then Baljit Singh reached the place of occurrence. After reaching the spot he asked the door be closed and dangs be brought. Then Bhola Singh closed the gate of the house. Then Gurcharan Singh attacked the officials with the dang. He snatched the record and attacked them with an intention to kill them. The officials ran from for their life and reported the matter to the higher officials. It was further reported that the FIR be registered against the aforementioned persons. On the basis of the aforementioned information vide letter No.1650 dated 27.11.2010, FIR under Section 382, 342, 353, 186 IPC was registered against Gurcharan Singh, Bhola Singh and Baljit Singh sons of Basant Singh. During the investigation spot was inspected by SI Rajinder Singh and site plan was prepared. Statements of the witnesses

were recorded. On 27.11.2010 accused were arrested by SI Rajinder Singh. Arrest memos and personal search memos were prepared. Further on the basis of disclosure statement of Gurcharan Singh u/s 27 of Indian Evidence Act, checking register was recovered vide separate memo. Site plan of place of recovery was prepared. Statements of the witnesses were recorded. On return to the police station the case property was handed over to MHC, Amritpal. Record regarding the appointment of Gurtej Singh, JE, Balbir Singh, JE Devraj, AJE, Gursewak Singh, ALM and Gurcharan Singh ,ALM was obtained and after the completion of other formalities, challan against the accused was presented in the Court, copies of which were supplied to the accused free of costs.”

In order to prove its case, prosecution has examined Mohan Singh as PW1, Gurtej Singh -JE as PW 2, Balbir Singh-JE as PW-3, Gursewak Singh-ALM as PW4, Dev Raj-JE as PW5, Boga Singh-ASI as PW6, Darbara Singh-SDC as PW7 and Surjit Singh-SDC as PW8. On appreciation of evidence both the Courts have recorded findings of fact that petitioner is guilty of having committed offence under Section 342, 186, 353 IPC beyond reasonable doubt.

This Court has heard learned counsel for the petitioner at length and with his able assistance has gone through the paper book.

Learned counsel for the petitioner submits that there is no

evidence that the officials of the Electricity Department were illegally

detained and official documents from them were snatched. He, hence, submits that the Courts have erred in convicting the petitioner. It may be noted here that officials of the Electricity Department were suspected of theft of electricity and when they came for checking at around 7:00 am, meter of Basant Singh son of Bharpur Singh was found lying dead and electricity was being drawn directly from supply line. Checking was also made at the house of Bhola Singh son of Basant Singh and Gurcharan Singh s/o Basant Singh. After climbing the stairs the wire used for drawing supply from the supply line was removed and petitioner proclaimed that gate be closed and arms be brought to teach the officials of the Electricity Department a lesson. Even the official documents in possession of the members of the team for preparation of report were snatched.

As noticed above, the Assistant Executive Engineer, Ashok Kumar, Junior Engineer Balbir Singh and other officials have deposed against the petitioner and supported the case of the prosecution. In these circumstances, this Court is not inclined to interfere in the judgments passed.

Dismissed.

16.11.2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No