

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1862-2019 (O&M)
Date of decision : 04.09.2019

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. A.S. Saini, Advocate for the petitioner.

ANIL KSHETARPAL, J.

Petitioner-convict is in the revision petition against the judgment passed by the learned Chief Judicial Magistrate, Fazilka, whereby petitioner and co-accused in a jail break case, were convicted and sentenced under various provisions of the Indian Penal Code, which are extracted as under:-

<i>Sr. No.</i>	<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>Imprisonment in default of fine</i>
1	Accused Raja Ram No.375			
	223 IPC	RI 2 years	Rs.5,000/-	One month
2	Accused Karamjit Singh No.2227			
	223 IPC	RI 2 years	Rs.5,000/-	One month
3	Accused Amarjit Singh			
	224 IPC	RI 2 years	Rs.2,000/-	15 days

It is the case of the prosecution that petitioner alongwith co-accused Nirvair Singh who was declared Proclaimed Offender had broke

open the window and a wall of the prison where they were lodged in various criminal cases and escaped from the prison. Petitioner alongwith Constable Raja Ram and Constable Karamjit Singh were tried and convicted. Appeal filed by the petitioner was also dismissed by the learned Court of Session.

This Court has heard learned counsel for the petitioner at length and with his able assistance gone through the judgment passed by the Chief Judicial Magistrate, affirmed in appeal by the Court of Session.

Learned counsel for the petitioner has submitted that the Courts have erred in convicting the petitioner and there is apparent perversity in the judgment passed. He, in the alternative, has submitted that the petitioner is a poor person, having a family and, therefore, the sentence be reduced.

Prosecution in order to prove its case has examined Harcharan Singh as PW1, ASI Puran Singh as PW2, Iqbal Singh Brar as PW3, Satish Kumar as PW4, Puran Singh as PW5, Baljinder Singh, Jail Warden as PW6.

On a pointed question from learned counsel for the petitioner as to what was the error or perversity in the judgments passed by the Courts below, learned counsel failed to point out any error in the judgments passed. It is expected that once a counsel is raising an argument that judgments are result of perversity, it is the duty of the counsel to point out on what basis the argument is being raised. Hence, this Court does not find substance in the first argument of learned counsel for the petitioner.

As regards argument of learned counsel that a lenient view be taken, it may be noted that petitioner was already accused in two previous criminal cases and hence lodged in prison. Thereafter, he in connivance with Nirvair Singh fled away from the Jail. In such circumstances, this

Court does not find that petitioner deserves any leniency.

Keeping in view the aforesaid facts, there is no ground to interfere. Hence, the revision petition is dismissed.

04.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No