

2023:PHHC:084687

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

234CRR-1403-2019  
Date of Decision: July 05, 2023

Hardeep Singh...Petitioner  
Vs.  
State of Punjab...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Hitesh Verma, Advocate  
for the petitioner.  
  
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision is directed against the judgment of conviction and order of sentence dated 30.10.2025 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Bathinda and the judgment dated 08.05.2019 passed by the Court of learned Additional Sessions Judge, Bathinda, whereby, the present petitioner was convicted for the offence punishable under Sections 353 and 186 IPC and was sentenced as under:-

| SR. No. | Name of the Convict | Under Section | Sentence awarded and fine                     | In default of payment of fine |
|---------|---------------------|---------------|-----------------------------------------------|-------------------------------|
| 1.      | Hardeep Singh       | 353 IPC       | RI for 09 months and to pay fine of Rs. 500/- | RI for 10 days.               |
| 2.      | Hardeep Singh       | 186 IPC       | RI for one month                              | --                            |

2. As per the case of the prosecution, on 29.04.2011, ASI Jaswinder Kaur got the present FIR registered by alleging that she was posted at City Traffic Police Bathinda. On 29.04.2011, she alongwith HC Jaswinder Singh and HC Angrej Singh were checking vehicles on Guru Gobind Singh Nagar at Barnala bye pass road. At about 05.15 p.m., a person came on motorcycle No. PB-03M-3726 from Bhatti road side and tried to go towards Guru Gobind Singh Nagar after crossing the red light, who was stopped by HC Angrej Singh and he demanded documents of the motorcycle. Even the number plate of the motorcycle was not as per the prescribed pattern under the rules and the driving licence, insurance and pollution certificate were also not there with the said person. On inquiry, the person disclosed his name as Amrinder Singh @ Banti son of Hardeep Singh resident of Guru Gobind Singh Nagar Bathinda and informed the police party that his papers were lying at home and he could get the papers arranged by making phone calls to his father. Amrinder Singh @ Banti made a phone call to his father, who reached there after some time and on reaching there, he started quarrelling with the complainant and asked her angrily as to why she had stopped the vehicle of the complainant. He also threatened the complainant that in case he slapped her, her cap would fall down. The complainant also tried to pacify him but to no avail. The complainant asked HC Jaswinder Singh to issue challan of the motorcycle. The accused pushed HC Jaswinder Singh and asked as to how he issued the challan

to him. Several people gathered at the spot on seeing the altercation. On inquiry, the said person disclosed his name to be Hardeep Singh son of Kaur Singh, resident of Guru Gobind Singh Nagar, Street No. 10/8, Bathinda. HC Jaswinder Singh issued him challan and the accused went back with his son and was murmuring while going back. As per the complainant, the accused had obstructed the complainant in discharge of her official duty. With these broad averments, the FIR was initially registered against the present petitioner/accused.

3. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully.

4. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction and prays for leniency while awarding sentence on the present petitioner. However, inspite of statement made by the learned counsel for the petitioner, this Court has examined the merits of the case in detail.

5. In order to prove the charge under Section 353 and 186 IPC, the prosecution had examined six witnesses. First of all, the prosecution had examined PW-1 SI Jaswinder Kaur complainant who deposed as per her statement given to the police and had proved on record her statement Ex.PA. Support to her version was given by PW-2 HC Jaswinder Singh. During cross-examination both these

witnesses had stated that their duty roster was subject to a daily change. PW-3 HC Darshan Singh had proved on record the posting order dated 11.2.2011 Ex.PW3/A vide which the complainant Jaswinder Kaur was transferred from P.S.Women Cell Bathinda to City Traffic, Bathinda. PW-4 HC Makhan Singh had proved on record DDR No.16 as Ex.PW4/A, the perusal of same revealed that it proved the duty on 29.4.2011 whereby complainant alongwith HC Jaswinder Singh and HC Angrej Singh proceeding for patrolling and checking in the area of Ghore Wala Chowk, ICICI Bank, Bibiwala Road, Bhatti road, Rose Garden Road, City Area. PW-5 SI Sukhmander Singh had proved the investigation part conducted by him during the proceedings of this case. He had proved the statement of complainant Ex.PA, his endorsement Ex.PW5/A, FIR EX.PW5/B, site plan Ex.PW5/C, arrest memo of accused Hardeep Singh Ex.PW5/D and his personal search memo Ex.PW5/E. PW-6 SI Darshan Singh had proved the complaint under Section 195 Cr.P.C. Ex.PW6/A.

6. From the testimonies of the witnesses produced by the prosecution, it was apparent that the accused had obstructed the complainant Jaswinder Kaur and HC Jaswinder Singh, while they were discharged their official duties and had used the criminal force. I have also perused the findings recorded by the learned trial Court as well as the appellate Court and find no ground to deviate from the same. Even, the learned counsel for the petitioner could not point out any illegality in the impugned judgment of conviction passed by both

the Courts below. Consequently, the present petitioner has been rightly convicted by both the learned Courts below for the offences punishable under Sections 353 and 186 of IPC.

7. At the outset, the learned counsel for the petitioner had prayed that lenient view may be taken in the present case as the petitioner was facing the agony of trial/appeal since last more than 12 years. Apart from that, the present petitioner is aged about 63 years and at present is suffering from various old age related diseases. He also relied upon the medical record in this regard to show that the present petitioner was not maintaining good health. Apart from that, the present petitioner had served in the Indian Army and retired as Lance Naik from the army. Still further, the petitioner was never involved in any other criminal activity.

8. During the course of hearing, the learned State counsel has placed on record the custody certificates issued by the Central Jail, Bathinda and as per the same, the present petitioner has undergone 04 months and 19 days of sentence out of total sentence of 09 months. I have heard learned counsel for the parties on the quantum of sentence, which may be awarded to the present petitioner. The petitioner is aged about 63 years and is a senior citizen. He served in Indian Army and after serving for several years, he had retired as a Lance Naik from the army. The petitioner is first offender and was not involved in any other case. Apart from that, the petitioner is also facing the agony of trial/appeal since more than 12

years. Apart from that, it has been alleged that the present petitioner had only pushed HC Jaswinder Singh and did not cause any injury to any police official. Thus, it would be appropriate, if the sentence imposed is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs. 40,000/-, which shall be deposited by the petitioner in the Punjab and Haryana High Court Bar Association Clerks' Welfare Fund within a period of three months from today, failing which, the petitioner shall undergo further rigorous imprisonment for a period of two months.

9. With the above modification, the present petition is disposed off, accordingly.

July 05, 2023  
amit rana

( N.S.SHEKHAWAT)  
JUDGE

Whether reasoned/speaking  
Whether reportable

:  
:

Yes/No  
Yes/No