

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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(1)

CRR-3991-2017

Date of decision: 23.01.2023

Karneet Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

(2)

CRR-60-2018

Jaswant Kaur

.....Petitioner

Versus

Rikhdev Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kanav Bansal, Advocate
for the petitioners in CRR-3991-2017.

Mr. Bikar Singh Cheema, Advocate
for the petitioner in CRR-60-2018 and
for respondent No.2 in CRR-3991-2017.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order will dispose of above referred two criminal revisions as they have arisen out of the same judgments.

CRR-3991-2017 has been preferred by accused Karneet Kaur, Rikhdev Singh, Rajvir Singh @ Lella, Manjeet Kaur @ Roshni, Savitri and Suresh Kumar @ Kalu against their conviction by the learned Trial Court which was upheld by the learned Appellate Court.

CRR-60-2018 has been preferred by complainant Jaswant Kaur against the order of the learned Appellate Court dated 03.10.2017.

The Trial Court vide judgment and order of sentence dated 18.01.2017 convicted the accused and sentenced them as follows:-

Name of accused/ convict	Offence(s)	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
Rikhdev Singh and Karneet Kaur	451 of the IPC	Acquitted		
Rajbir Singh, Manjit Kaur @ Roshni, Savitri and Suresh	452 of the IPC	Acquitted		
Karneet Kaur	147 and 323 of the IPC	Released on probation of good conduct on furnishing probationary bonds in the sum of Rs.10,000/- and one surety in the like amount for a period of one year. Payment of Rs.500/- as costs of litigation.		
Rikhdev Singh, Rajbir Singh, Manjit Kaur @ Roshni, Savitri and Suresh	147 and 323 read with Section 149 of the IPC	Released on probation of good conduct on furnishing probationary bonds in the sum of Rs.10,000/- each and one surety in the like amount for a period of one year. Payment of Rs.500/- each as costs of litigation.		

Thereafter, appeals were preferred before the learned Appellate Court by the accused, and complainant-Jaswant Kaur who sought enhancement of sentence awarded. Both the appeals were dismissed. However, while ordering the release of the accused on probation, they were ordered to pay a compensation of Rs.10,000/- each to the injured/complainant.

Complainant Jaswant Kaur while getting the FIR in question registered alleged that her son Rikhdev Singh @ Bhola and his wife Karneet Kaur were residing in the *chobara* of her house. The complainant's husband after retirement from the Police Department

received benefits and hence he gave FDRs worth Rs.1 lakh each in the name of their son, daughter-in-law, grand-son and grand-daughter. However, her son i.e. accused Rikhdev Singh was not satisfied and was demanding more money and a plot. On 25.12.2010 at about 07:30 P.M., accused Rikhdev Singh along with his wife accused Karneet Kaur came to her and started indulging in abusive language. All efforts made by her and her husband and also the neighbours to pacify accused Rikhdev Singh and Karneet Kaur proved to be in vain. After some time accused Karneet Kaur's family i.e. Savitri wife of Sukhdev Singh, Roshni wife of Roshan Lal, Leela son of Sukhdev Singh and Kalu son of Kehar Dass accompanied by 04 unknown persons came to the house of the complainant in a car and a motorcycle. After breaking open the gate of her house, all persons including Rikhdev Singh and Karneet Kaur entered the room of the complainant where she was given *thapi* blow on her face. The complainant and her husband were physically assaulted by all of them. On a hue and cry raised, neighbours of the complainant namely Janak and Sohan Singh rushed to their rescue. The complainant was shifted to the hospital by their neighbours Jatinder Singh. On the basis of material and evidence led, the accused were acquitted under Sections 451 and 452 of the IPC as admittedly the accused and the complainant were living in the same house and there were no demarcation of the place of residence of the complainant and her son Rikhdev Singh. The Trial Court rightly held that in the circumstances, the commission of offence under Sections 451 and 452 of the IPC stood not proved. However, the Courts below, on the basis of the other evidence adduced, convicted the accused under Sections 147 and 323

read with Section 149 of the IPC.

Learned counsel appearing for accused Karneet Kaur, Rikhdev Singh, Rajvir Singh @ Lella, Manjeet Kaur @ Roshni, Savitri and Suresh Kumar @ Kalu, submitted that a highly improbable version had been brought forth by the complainant qua the alleged physical assault on her. Learned counsel submitted that delay of 04 days in the registration of the FIR in question from the date of alleged occurrence lent credence to the complainant planting a false and fabricated case upon the accused. It was submitted that had the complainant actually been assaulted as had been alleged, her spectacles would have broken during the occurrence in question, however, while stepping into the witness box, the complainant was not able to deny that her spectacles neither fell down on the floor nor did they break. A prayer was, therefore, made to accept the revision petition and to set aside the impugned orders.

Learned counsel appearing for complainant Jaswant Kaur submitted that sentence of the appellants-accused which was modified and accused were ordered to be released on probation was contrary to the settled law as the Court failed to appreciate that the complainant had been brutally assaulted by the accused for which they deserved to be sentenced to the maximum provided under the law.

Learned State counsel has also supported the case of the complainant and submitted that the impugned judgment of conviction did not warrant any interference.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court does not find any error in the impugned judgments. Admittedly, the dispute dates back to the year 2010 and the Appellate Court extended the relief of probation on account of the close relationship of the parties. It has not been disputed by the learned State Counsel that after the accused were released on probation they had not been involved in any similar offence and had been leading the life of disciplined and peace loving citizens ever since then.

Accordingly, finding no merit in the instant revision petitions, both the revisions are dismissed.

23.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No