

CRR-486-2024

[1]

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

CRR-486-2024

Date of decision: 16.05.2024

Jasbir Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present criminal revision petition has been filed by the petitioner/accused Jasbir Singh @ Babbu against the judgment dated 27.09.2023 passed by the Court of Additional Sessions Judge, Ludhiana whereby the appeal filed by the petitioner against judgment and order dated 16.02.2019 passed by the Court of Judicial Magistrate Ist Class, Payal (Ludhiana) whereby the petitioner was convicted and sentenced to undergo RI for a period of 1 year under Section 324 IPC and RI for a period of 6 months under Section 323 IPC, was dismissed.

2. The brief facts of the case are that complainant Krishan Singh got recorded his statement to the effect that on 22.08.2013 his sister Kulwant Kaur informed him telephonically that her brother in law Jasbir Singh was harassing her and he has consumed some intoxicants. On this, complainant, his brother Balvir Singh and friend Gurpreet Singh went to Payal and reached house of Jasbir Singh and at that time Jasbir Singh attacked him with a 'sua' which hit on right side below his chest, as a result of which complainant fell on the ground and immediately he was taken to Civil Hospital Payal from where he was referred to Civil Hospital Khanna and then taken to government hospital, Sector-32 Chandigarh.

3. After completion of all the necessary formalities of the investigation, police presented challan against petitioner/accused Jasvir Singh.

4. On finding a prima facie case, trial Court framed charges under Section 323, 324 and 326 IPC to which petitioner/accused did not plead guilty and claimed trial.

5. To bring home, the guilt of the accused, prosecution examined PW-1 Dr. Meera, Medical Officer who proved MLR of the complainant as Ex.P-1. PW-2 Krishan Singh complainant narrated the entire version, as per his previous statement. PW-3 Balvir Singh also supported and corroborated the version of the complainant, but his statement was not completely recorded. PW-4 SI Devender Singh, Investigating Officer deposed with regard to the investigation carried out by him and proved arrest memos. PW-5 Kulwant Kaur deposed regarding injuries caused by her brother in law Jasbir Singh to her brother by means of 'sua' in her presence on 22.08.2013, but even she did not step into witness box to face cross examination. PW-6 Dr. Kuldeep Singh proved the x-ray report Ex.PW6/A and x-ray film Ex.PW6/B. PW-7 ASI Jagdev Singh who partly investigated the case, proved documents Ex.P-1 to Ex.P-11.

6. The petitioner/accused was examined under Section 313 Cr.P.C. wherein he denied the entire incriminating evidence appearing against him. The accused did not opt to lead any evidence in his defence.

7. After hearing, the counsel for the parties, the learned trial Court convicted and sentenced the petitioner vide judgment and order dated 16.02.2019 as is detailed in the opening paragraph of this judgment. The trial Court directed that all the sentences shall run concurrently and further the trial Court did not impose any fine. The sentence imposed by the trial Court was suspended by this Court during pendency of the revision petition.

8. Petitioner being aggrieved, by the judgment passed by the trial Court, filed an appeal but the same was also dismissed by the Court of Additional Sessions Judge, Ludhiana vide judgment dated 27.09.2023.

9. Not being satisfied, the petitioner has filed the present revision petition.

10. I have heard the counsel for the parties and gone through the concerned record.

11. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case. That actually, complainant Krishan Singh is brother of sister in law i.e. Kulwant Kaur of the petitioner and both of them used to harass brother of the petitioner and asked him to get separated from his family and to set up his independent household, but the same was being opposed by the petitioner. That due to the said reason, Krishan Singh and Kulwant Kaur were nursing grudge against the petitioner and resultantly, false FIR was lodged against him by Krishan Singh on behest of Kulwant Kaur. It is further submitted that the trial Court as well as the First Appellate Court passed the impugned judgments without properly appreciating the evidence available on the record. It is further submitted that the present petition deserves to be accepted.

12. On the other hand, the State counsel submits that learned trial Court as well as the Court of Additional Sessions Judge, Ludhiana passed the impugned judgments after proper appreciation of the evidence led by both the parties and that there is no illegality or infirmity in the impugned judgments.

13. I have considered the submissions made by counsel for the parties.

14. The complainant who sustained injuries at the hands of the petitioner, while appearing in the witness box as PW-2, supported the prosecution version. The said ocular evidence is corroborated by the medical evidence. No material contradictions have been pointed out by the counsel for the petitioner in the deposition of complainant. Medical evidence corroborates the version narrated by the complainant while appearing in the witness box. There is no improbability in the version of the prosecution which is based on direct evidence corroborated by the medical evidence. The evidence led by the prosecution is reliable and trustworthy. Thus, there is no ground made out to interfere in the judgments passed by the trial Court and the first appellate Court as well, so far as conviction of the petitioner under Sections 323 and 324 IPC is concerned.

CRR-486-2024 [4]

15. During arguments, the counsel for the petitioner also made prayer that petitioner has already undergone jail sentence for a period of about 9 months out of total sentence of 1 year and is having no criminal history and that the petitioner be released on the sentence already undergone by him.

16. Taking into consideration the fact that the parties were closely related to each other and further the petitioner having no criminal antecedents has already undergone jail sentence of approximately 9 months out of total sentence of 1 year, the sentence of the petitioner is reduced to the period of imprisonment already undergone by him.

17. The revision petition is disposed of with aforesaid modification in sentence imposed by the trial Court.

16.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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