

CRR-1739-2008 (O & M)

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

(201)

**CRR-1739-2008 (O&M)
Date of Decision: 04.12.2024**

Amarjit Singh and anr.

... Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Deol, Advocate, for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 27.08.2008 passed by the Additional Sessions Judge, Bathinda whereby the appeal filed against the judgment of conviction and order of sentence dated 16.08.2007 passed by the Sub Divisional Judicial Magistrate, Talwandi Saboo, has been dismissed.

2. The FIR in the present case came to be registered on 28.01.2002. The petitioners were convicted vide judgment dated 16.08.2007. Their appeal stood dismissed vide judgment dated 27.08.2008. This revision petition was filed on 03.09.2008 and has come up for final hearing now i.e. after a period of 22 years having elapsed from the date of the registration of the FIR.



4. The brief facts of the case are that the present FIR came to be registered at the instance of Gurjit Singh who stated that Amarjit Singh (petitioner No.1) and Surjit Singh (since deceased) sons of Niranjan Singh came to the spot alongwith Balbir Singh (petitioner No.2) son of Gamdoor Singh and assaulted him alongwith his uncle Gurcharan Singh. On culmination of the investigation, the report under Section 173 Cr.P.C. was presented.

5. Based on the evidence led, the accused came to be convicted and sentenced by the Court of the Sub Divisional Judicial Magistrate, Talwandi Sabo vide judgment and order of sentence dated 16.08.2007 as under:-

Convicts No.1 and 2, namely, Amarjit Singh and Balbir Singh

Offence Sections	underSentence RI/SI	Fine	RI/SI in default of payment of fine
Section 323 IPC	RI 06 months	Rs.500/- each	RI (01 month)
Section 324 IPC	RI (01 year)	Rs.500/- each	RI (02 months)

All the sentences were ordered to run concurrently.

6. The convicted accused preferred an appeal which came to be dismissed by the Court of the Additional Sessions Judge, Bathinda vide judgment dated 27.08.2008.

7. The petitioners, thereafter, filed the instant revision petition and their sentence stood suspended vide order dated 23.10.2008.

8. The learned counsel for the petitioners contend that they do not wish to challenge their conviction but keeping in view the fact that the FIR came to be



registered on 28.01.2002 and the case has come up for final hearing now after a gap of 22 years, they be granted the benefit of probation on such conditions which this Court may deem fit.

9. The learned counsel for the State, on the other hand, has filed separate custody certificates of the petitioners dated 03.12.2024 which are taken on record. As per the said custody certificates, the petitioners No.1 and 2, namely, Amarjit Singh and Balbir Singh have undergone almost 02 months out of their substantive sentence of 01 year. He contends that the nature of the allegations did not entitle the petitioners to the concession as prayed for and as the offence stood established beyond a reasonable doubt, therefore, the present petition was liable to be dismissed.

10. I have heard the learned counsel for the parties.

11. The prosecution witnesses have supported the case of the prosecution in material particulars. The medical evidence is totally in consonance with the ocular account. As such, the judgments of conviction are not required to be interfered with and therefore, the present petition stands dismissed.

12. As regards the imposition of sentence, admittedly, the FIR was registered on 28.01.2002 and as many as 22 years have passed ever since then. The petitioners are first-time offenders. Therefore, subject to the payment of Rs.20,000/- each to the injured, namely, Gurjit Singh and Gurcharan Singh collectively by the petitioners No. 1 and 2, namely, Amarjit Singh son of

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Niranjan Singh and Balbir Singh son of Gamdoor Singh, they are ordered to be released on probation on such conditions to be imposed by the Trial Court.

14. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

December 04, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No