

CRR-2655-2008 (O & M)

2024:PHHC:162141



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(212)

CRR-2655-2008 (O&M)
Date of Decision: 04.12.2024

Maghar Singh and ors. ... Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Mirpur, Advocate, for the petitioners No.1 and 2.

Mr. Gurmeet Singh Saini, Advocate,
for petitioner No.4.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. P.K.S. Phoolka, Advocate, for the complainant.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 02.12.2008 Additional Sessions Judge, (Fast Track Court), Bathinda whereby the appeal filed against the judgment of conviction and order of sentence dated 01.09.2007 passed by the Sub Divisional Judicial Magistrate, Phul, has been dismissed.

2. At the very outset, the learned counsel for the parties have stated that petitioner No.3-Gurjant Singh son of Gurbax Singh has passed away. The proceedings stand abated qua the aforesaid petitioner.



3. The FIR in the present case came to be registered on 26.06.2002. The petitioners were convicted vide judgment dated 01.09.2007. Their appeal stood dismissed vide judgment dated 02.12.2008. This revision petition was filed on 09.12.2008 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 FIR came to be registered at the instance of Malkiat Singh who stated that the petitioners had assaulted him and one Gurmeet 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, Phul vide judgment and order of sentence dated 01.09.2007 as under:-

Convicts No.1 to 3, namely, Maghar Singh, Kulwinder Singh & Gurjant Singh (since deceased)

Offence Sections	underSentence RI/SI	Fine	RI/SI in default of payment of fine
Section 325 IPC	RI 02 years	Rs.2000/- each	RI (02 months)
Section 323/34 IPC	RI (01 year)	Rs.1000/- each	RI (01 month)

Convict No.4-Jagmit Singh

Offence Sections	underSentence RI/SI	Fine	RI/SI in default of payment of fine
Section 323 IPC	RI (01 year)	Rs.1000/-	RI (01 month)
Section 325/34 IPC	RI 02 years	Rs.2000/-	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, Fast Track Court, Bathinda vide judgment dated 02.12.2008.

7. The petitioners, thereafter, filed the instant revision petition and their sentence stood suspended vide order dated 24.03.2009.

8. The learned counsels for the petitioners No.1, 2 and 4 contend that they do not wish to challenge their conviction but keeping in view the fact that the FIR came to be registered on 26.06.2002 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 petitioners No.1 to 4 dated 02.12.2024 and 05.12.2024 respectively which are taken on record. As per the said custody certificates, the petitioners No.1, 2 and 4, namely, Maghar Singh, Kulwinder Singh and Jagmit Singh have undergone almost 04 months out of their substantive sentence of 02 years. 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. The learned counsel for the complainant has also strenuously argued that as the injured had suffered multiple injuries including grievous ones, the

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petitioners did not deserve any leniency and the present petition was liable to be dismissed.

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

12. 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.

13. As regards the imposition of sentence, admittedly, the FIR was registered on 26.06.2002 and as many as 22 years have passed ever since then. The petitioners No.1, 2 and 4 are first-time offenders. Therefore, subject to the payment of Rs.20,000/- each to the injured Malkiat Singh and Gurmit Singh collectively by the petitioners No. 1, 2 and 4, namely, Maghar Singh son of Sarban Singh, Kulwinder Singh son of Hari Singh and Jagmit Singh son of Ranjit 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