



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

CRR-3732-2016

Date of Decision:18.10.2024

Lovepreet Singh @ Bhatti

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. B.D., Sharma, Advocate
 for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment of conviction and order of sentence dated 06.02.2016, passed by the Court of Sub- Divisional Judicial Magistrate, Nakokdar, whereby the present petitioner was ordered to be convicted for the offence punishable under Section 382 of IPC and was sentenced to undergo RI for a period of two years and to pay a fine of Rs. 5000/-, along with default stipulation and also against the judgment dated 18.07.2016 passed by the Court of Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioner was ordered to be dismissed.

2. The FIR in the present case was registered on the basis of the complaint moved by Ranjit Singh son of Gurdeep Singh, P.S Shahkot, District Jalandhar, who alleged that he was running a Service Station at Malsian-Nakodar Road. About one month ago, he borrowed a sum of Rs.20,000/- from M/s Rajiv Finance, opposite Gagan Park. On 22.11.2013 at about 12 Noon, he was going towards Nakodar on his motorcycle bearing Registration



No.PB-67-C-1399 in order to return the said amount of Rs.20,000/-, When he moved towards Nakodar after getting the petrol filled in his motorcycle from Ladhra Petrol Pump, then one PULSAR motorcycle was standing on the side of the road outside the petrol pump, near which two persons were standing. They start chasing his motorcycle and moved towards Nakodar. Then at Malsian Road, when one road leads to Nakodar and the other leads to Jalandhar Pulli, the said persons brought their motorcycle along side his motorcycle and then one person having dark complexion who was driving the motorcycle asked the complainant about the road which leads to the place of Baba Lal Badshah. Thereafter, the person who was sitting on the pillion seat, hit his motorcycle of the complainant with the leg, on account of which, the complainant fell on the road. Then pillion rider got down from the motorcycle and forcibly took out Rs.20,000/- from his right pocket to which he retaliated. Thereafter, the other person after parking his motorcycle, gave kick blows at his mouth and they ran away from the spot after snatching his Rs.20,000/. This incident took place at about 12.50 PM. Thereafter, he told about the said incident to his cousin, Tarsem Singh son of Gurdev Singh on mobile phone, who reached the spot. He and his cousin tried to search the persons but could not succeed.

3. To prove the charge, the prosecution examined seven witnesses namely Ranjit Singh, complainant as PW-1, Tarsem Singh as PW-2, HC Kashmiri Lal as PW-3, HC Narinder Singh as PW-4, SI Mohinder Singh as PW-5, ASI Ramail Singh as PW-6 and ASI Jaivir Singh as PW-7 and closed the evidence of the prosecution.

4. After the closure of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C was recorded and all the incriminating



circumstances appearing in the evidence of the prosecution were put to the accused. The petitioner pleaded innocence and stated that he had been falsely involved in the present case. In spite of, grant of opportunity, the petitioner opted not to lead any evidence in defence.

5. I have heard the learned counsel for the parties at length and perused the record carefully.

6. Learned counsel for the petitioner vehemently argued that the entire case of the prosecution is based on the testimonies of PW-1 Ranjit Singh, and PW-2, Tarsem Singh, cousin of the complainant. Both the witnesses were interested/related witnesses and there was no independent evidence to lead the case of the prosecution. Still further, learned counsel for the petitioner referred to various discrepancies in the statements of the witnesses and submitted that such discrepancies had rendered the prosecution case to be unbelievable. Apart from that, the Courts had wrongly convicted the petitioner for commission of the offence under Section 382 of IPC as only a recovery of Rs.1000/- was effected from the present petitioner.

7. On the other hand learned State counsel opposed the submissions made by learned counsel for the petitioner on the ground that both the Courts had correctly appreciated the evidence in the light of the settled law. The prosecution had examined PW-1 Ranjit Singh, and PW-2, Tarsem Singh and both the witnesses were subjected to lengthy cross-examination. Both the witnesses had withstood the testimony of cross-examination and their testimonies were duly corroborated by the testimonies of other official witnesses. Even, in the impugned judgments, both the Courts had discussed the testimonies of both these witnesses in detail and have been correctly relied upon



to hold the petitioner guilty. Apart from that, since the testimonies of Ranjit Singh, complainant PW-1 and Tarsem Singh, PW-2 were found to be reliable, there was no need of further independent corroboration and they had no reason to falsely involved the petitioner. Still further, concurrent findings have been recorded by both the Courts and the impugned judgments are liable to be upheld by this Court.

8. Having heard the rival contentions made by learned counsel for the parties, this Court is of the considered opinion that the testimonies of PW-1 Ranjit Singh and PW-2 Tarsem Singh have been relied upon by the Courts correctly. In fact, both the Courts were correct in observing that there evidence could not be brushed aside only on the ground that they were related witnesses. In fact, both the witnesses had no reason to leave out the real culprits and to rope in innocent persons. The petitioner has failed to show any reason as to why he was involved by the complainant in the present case. Even, there has been lengthy discussion on the testimonies of both the aforesaid witnesses and after long discussion the testimonies, the testimonies of both the witnesses were relied upon by the Courts and this Court finds no reason to deviate from the findings recorded by the Courts below. Still further, the view taken by both the Courts that the version of PW-1 Ranjit Singh and PW-2, Tarsem Singh is supported by statements PW-3 Kashmiri Lal, PW-4 HC Narinder Singh, PW-5 Mohinder Singh, PW-6 ASI Ramail Singh and PW-7 ASI Jaivir Singh is liable to be upheld by this Court.

9. Apart from that in the present case, no doubt, there were certain minor discrepancies in the statements of various prosecution witnesses, but this Court cannot ignore the fact that they had got a chance to make their statements



before the Trial Court after the lapse of the considerable time and such minor discrepancies appear due to fading of human memory. It is a matter of common knowledge that all the witnesses cannot state a parrot like version with precision and the testimony of a witness has to be viewed from broad angles and cannot be weighed in golden scales. If a witness has been able to support the case of the prosecution with all material details, the testimony of said witness should be relied upon. Thus, due to these minor discrepancies, which have been pointed out by the learned counsel for the petitioner, no benefit can be extended to the present petitioner. Still further, even both the Courts have considered the ingredients of the offence under Section 382 of IPC in detail and it has been correctly observed that the petitioner is guilty of the offence under Section 382 of IPC.

10. Now, advertent to the order of sentence, this Court is of the conscious view that the FIR in the present case was registered on 22.11.2013 ie. 11 years ago and the petitioner is facing the agony of trial/appeal for the last about 11 years. Vide the impugned judgments, the petitioner was convicted for the offence punishable under Section 382 of IPC and was sentenced to undergo RI for a period of two years and a fine of Rs. 5000/- was imposed on him. In the present case, as per the custody certificate, the petitioner has already undergone eight months and 11 days of total sentence (including remissions). Still further, he was a young boy at the time of commission of crime and was never involved in any other criminal activity, as per the custody certificate filed by the State of Punjab. Thus, taking a lenient view of the matter, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on the petitioner is enhanced to Rs.30,000/-, since the



petitioner has already deposited a fine of Rs.5000/-, he is directed to deposit the remaining amount of Rs.25,000/- with the *Punjab and Haryana High Court Bar Clerks Association* within a period of four months from today. In case, the enhanced amount of Rs.25,000/- is not deposited by the petitioner, as indicated above, the present petition shall be deemed to be dismissed by this Court.

11. With the above modification, the present revision petition is partly allowed and the impugned judgment of conviction dated 06.02.2016, passed by the Court of Sub- Divisional Judicial Magistrate, Nakokdar is ordered to be upheld, whereas the order of sentence is modified as mentioned above.

12. With these directions, the revision petition stands disposed off.

13. All pending applications, if any, are also disposed off, accordingly.

18.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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