



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRR No.1481 of 2023
Date of decision: September 17th, 2024

Kulwinder Singh @ Lilly
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

A challenge has been laid to the order dated 01.10.2019 passed by the learned Additional Chief Judicial Magistrate, Faridkot, wherein the accused (hereinafter referred to as ‘petitioner’) was convicted and sentenced as follows:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
452 IPC	RI for 2 years	₹500/-	R.I. for 45 days
326 IPC	RI for 3 years	₹1,000/-	R.I. for 60 days
324 IPC	RI for 2 years	-	-
323 IPC	RI for 6 months	-	-

2. All the sentences were ordered to be run concurrently.
3. The appeal preferred by the petitioner to impugn the aforementioned judgment of conviction and sentence was also dismissed by the learned Appellate Court on 10.03.2023.
4. As per the case of the prosecution, the complainant, Sarabjeet Kaur, a widow and homemaker, gave a statement to the police

***CRR No.1481 of 2023******-2-***

on 26.12.2017. In her statement, she alleged that on 21.12.2017, at around 12:00 noon, while she was at home with her son and daughter-in-law, petitioner-Kulwinder Singh (son of her brother-in-law Gurdev Singh), entered her house with two swords, one small and one large. The petitioner allegedly raised a *lalkara* and when confronted, attacked the complainant with the large sword. The complainant blocked the first blow with her right hand, as a result of which she sustained an injury to her wrist. The petitioner then delivered 3 to 4 additional blows, resulting in injuries on the wrist and index finger of the left hand of the complainant. Hearing her cries, her son and daughter-in-law intervened and prevented further harm to the complainant. Upon seeing them, the petitioner fled to the first floor of his house, all the while hurling abuses at the complainant and her family. Fearing for their safety, they retreated to their home. The son and daughter-in-law of the complainant removed her to the Medical College and Hospital in Faridkot for her medical treatment.

5. While getting her statement recorded, the complainant further mentioned that the petitioner held a grudge against her, suspecting that she possessed more land than her rightful share. This long standing resentment led to the attack. Attempts to resolve the matter through compromise had earlier failed. Based on the investigation carried out by the police, a charge-sheet was filed, and the accused were formally charged for offences under Sections 452, 326, 324 and 323 of the IPC. During the trial, the prosecution examined seven witnesses including the complainant. The petitioner while

***CRR No.1481 of 2023*****-3-**

recording his statement under Section 313 of the Cr.P.C. denied all allegations and claimed innocence, asserting that he had been falsely implicated.

6. At the outset, learned counsel for the petitioner has fairly conceded that in light of the findings of both, the trial Court and the Appellate Court, he would not press the present petition on the merits of the case. Instead, learned counsel has restricted his prayer to a reduction in the quantum of sentence. It has been urged that the incident occurred in the year 2017, and the petitioner has endured the ordeal of protracted criminal proceedings for nearly seven years. Furthermore, it has also been highlighted that since the occurrence in question, the petitioner has led a law abiding and disciplined life, with no involvement in any other criminal case. Therefore, a prayer has been made that a lenient will be taken and the sentence imposed by the learned trial Court be reduced to the period already undergone by the petitioner by arguing that further incarceration would serve no useful purpose at this stage of the petitioner's life.

7. Learned state counsel has, on instructions, not disputed that after the occurrence in question in the year 2017, the petitioner has maintained good conduct and has not been involved in any other untoward incident or criminal case. Learned counsel for the State has also filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. A perusal of the custody certificate also does not reveal the involvement of the petitioner in any other

***CRR No.1481 of 2023******-4-***

criminal case.

8. In view of the fact that the occurrence in question pertains to the year 2017, and as not disputed by the learned State counsel, the petitioner has been leading a disciplined life ever since then, this Court does not deem it appropriate to send the petitioner behind bars at this juncture more so when he has admittedly been burdened with numerous liabilities in the preceding seven years.

9. The ends of justice would be, thus, met if while maintaining the conviction of the petitioner, his substantial sentence of three years is reduced to the period already undergone by him subject to a payment of compensation in the sum of ₹20,000/- to be paid to the complainant within the next three months.

10. Ordered accordingly.

11. In addition, the petitioner shall also plant three indigenous fruit bearing trees and three shady trees each within the judicial complex in Faridkot, with the specific area to be identified by the District Legal Services Authority concerned, along with tree guards within the next 03 months. The DLSA concerned would ensure proper maintenance and upkeep of the trees so planted.

12. It is made clear that if the compensation amount of ₹20,000/- is not deposited with the trial or successor Court, within three months from the date of this order and fails to plant three indigenous fruit bearing trees and three shady trees, as ordered, the benefit of reduction of sentence will not accrue to the petitioner, and he will be required to serve out the remaining part of his sentence. On deposit of



CRR No.1481 of 2023

-5-

the compensation amount, the same shall be disbursed to complainant against proper receipt.

13. With the aforesaid modifications, the revision petition stands disposed of.

September 17th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No