

CRR-1824-2023(O&M)

#1#

271

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-1824-2023(O&M)

Date of Decision:-09.01.2024

JORAWAR SINGH @ JORA

.....Petitioner

Vs.

STATE OF PUNJAB & ANOTHER

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal Sharma (Vasudeva), Advocate
for the Petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner-accused against the judgment dated 19.07.2023 passed by the Sessions Judge, Hoshiarpur whereby the judgment of conviction and order of sentence dated 20.11.2018 passed by the Judicial Magistrate 1st Class, Hoshiarpur has been upheld.

2. The brief facts of the case are that the present FIR came to be registered at the instance of Gagandeep Singh @ Lucky son of Surinderpal who stated that on 21.10.2013, while he was going towards his village from Hoshiarpur, then 6/7 persons came on motorcycles and surrounded him. One person gave him a Vanja blow on the right side of his head. One other person namely, Jorawar Singh @ Jora (petitioner) gave a Kanda blow upon him which struck his right wrist and thereafter one unidentified person gave a Kanda blow to him which struck his backside. Then his uncle Balwinder

Kumar son of Charan Dass came to the spot and on raising an alarm, the accused fled away.

3. On conclusion of the investigation, the report under Section 173(2) Cr.P.C. was submitted and on culmination of the Trial, the petitioner came to be convicted convicted and sentenced by the Court of Judicial Magistrate 1st Class, Hoshiapur vide judgment of conviction and order of sentence dated 20.11.2018 as under:-

Sr.No.	Offence under Sections	Imprisonment	Fine	In default of fine imprisonment
1.	Section 323 IPC	SI for a period of 03 months	Rs.500/-	SI for 15 days
2.	Section 326 IPC	SI for a period of 01 Year	Rs.1000/-	SI for 01 month

Both the aforesaid sentences were ordered to run concurrently.

4. The petitioner preferred an appeal before the Court of Sessions Judge, Hoshiarpur which came to be dismissed vide judgement dated 19.07.2023.

5. The present petition has been preferred challenging the aforementioned judgments of conviction.

6. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of 4 days in the registration of the FIR which remains unexplained. There is a serious doubt regarding the weapon used in the alleged occurrence. Only interested witnesses were examined during the course of the Trial whose depositions were contradictory to each other. The medical evidence was contrary to the ocular account. The Investigating Officer namely, ASI Kulwinder Singh had not been examined thereby creating a doubt in the prosecution case. Be that as it may, if this Court was to come to the

CRR-1824-2023(O&M)

#3#

conclusion that the judgments of conviction were to be upheld, then the sentence of the petitioner be reduced to the period already undergone by him as the occurrence took place way back in the year 2013 and therefore, the petitioner had suffered a protracted Trial.

7. On the other hand, the learned State counsel contends that the offence stands established beyond reasonable doubt. The medical evidence was totally in consonance with the ocular account. All the material witnesses including the injured witness had supported the prosecution case in its entirety. Therefore, the present petition was liable to be dismissed.

8. I have heard learned counsel for the parties.

9. In the present case, the medical evidence is totally in consonance with the ocular account. The evidence of the doctors are categorical to the effect that the injury suffered by the complainant was grievous in nature. It does not stand reason that the complainant would not name the actual assailant but would name the present petitioner.

10. In view of the above discussion, I find no grounds to interfere with the well reasoned judgments of conviction and order of sentence recorded by the Judicial Magistrate 1st Class, Hoshiarpur which has been upheld by Sessions Judge, Hoshiarpur. Resultantly, the revision petition stands dismissed.

11. As regards the imposition of sentence, it may be pointed out that the occurrence pertains to the year 2013 and as such, the petitioner has suffered the vagaries of Trial for the last more than 10 years. He has otherwise undergone actual custody of 03 months and 01 day. Therefore, at this stage, no useful purpose would be served by sending the petitioner back into custody. Hence his sentence stands modified as under:-

Sr. No.	Offence under Section	Imprisonment	Fine enhanced to
1.	Section 323 IPC	SI for a period of 01 month	Rs.6000/-
2.	Section 326 IPC	SI for a period of 03 months	Rs.36,000/-

The sentences shall run concurrently. Out of the amount of Rs.42,000/- imposed as fine, an amount of Rs.40,000/- shall be disbursed to the injured-Gagandeep Singh @ Lucky as compensation.

12. The revision petition stand disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

09.01.2024
jitesh

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