

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1746 of 2024 (O&M)
Date of decision: 12th September, 2024

Gurjit Chand @ Kalu & another
... Petitioners

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sachmeet S. Randhawa, Advocate for the petitioners.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioners are challenging the judgment dated 10.11.2021, passed by the learned Addl. Chief Judicial Magistrate, Gurdaspur whereby they were convicted and sentenced as under:

Offence	Sentence
186 IPC	Each of them to undergo RI for one month and to pay ₹200/- as fine. In case of default in making payment of fine, the defaulter will have to undergo further RI for five days.
332 IPC	Each of them to undergo RI for one year and to pay ₹1000/- as fine. In case of default in making payment of fine, the defaulter will have to undergo further RI for one month.
353 IPC	Each of them to undergo RI for six months and to pay ₹500/- as fine. In case of default in making payment of fine, the defaulter will have to undergo further RI for one month.



2. The appeal preferred by the petitioners to challenge their conviction was dismissed by the learned Sessions Judge, Gurdaspur vide judgment dated 06.07.2024.

3. The case of the prosecution is summarized as follows:

On 19.12.2014, at around 6:40 p.m. the complainant PHC Baljinder Singh, Assistant Record Keeper at the Gurdaspur Police Station, received a call from Sub Inspector Kulwinder Singh, who was the Station House Officer (SHO) at that time. The SHO, who was near Simran Hospital, informed the complainant that a dead body had been recovered and requested that a search-light be sent to the location. The complainant personally brought the search-light to the spot on his motorcycle. After delivering the search-light, while returning to the Police Station and passing near Jalwa Chicken Corner, Gurdaspur, the complainant stopped to attend to a phone call. At that moment, Kallu, the owner of Jalwa Chicken Corner, along with his two brothers, Jalwa and Joban, and about ten other individuals, confronted the complainant. Kallu grabbed him by the collar and began assaulting him, ostensibly as retaliation for the complainant's prohibition of liquor consumption at the shop. The group then physically assaulted the complainant, during which accused Jalwa



knocked off the complainant's turban, and the assault continued until he fell off his motorcycle. Kamaljeet Singh, a witness to the incident, tried to intervene but was also assaulted by the accused. Kamaljeet Singh then informed the SHO about the attack, and ASI Harjeet Singh arrived at the scene to record the complainant's statement, in which he stated that the accused had obstructed him in the discharge of his official duties. Following investigations, including witness statements, the accused were charged and brought to trial. The prosecution presented seven witnesses in support of their case, including the complainant.

In their statements recorded under Section 313 of the Criminal Procedure Code (Cr.P.C.), the accused denied all allegations and incriminating evidence against them, asserting their innocence and claiming they were falsely implicated. However, based on the evidence and material on record, the petitioners were convicted and sentenced as already detailed earlier.

4. At the outset, the learned counsel for the petitioners concedes that, given the concurrent findings of fact recorded by both the trial Court and the learned Appellate Court, they will not press the petition on merits. Instead, they seek to confine their prayer to a reduction in the quantum of the sentence. It is submitted that the incident



dates back to the year of 2014, and the petitioners have endured prolonged criminal proceedings for almost 10 years. Furthermore, it is emphasized that the petitioners have led disciplined, law-abiding lives since the incident and have not been involved in any other criminal case.

5. In light of these circumstances, a prayer has been made for leniency, with a plea to reduce the sentence imposed by the trial Court to the period already undergone by the petitioners. It is argued that sending the petitioners back to prison at this stage would serve no meaningful purpose.

6. The learned State counsel has not disputed that since the occurrence in 2014, the petitioners have maintained good conduct and have not been involved in any other criminal activities. Learned State counsel has also placed on record their custody certificates today in Court, which also do not reflect the involvement of the petitioners in any other criminal case.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In view of the fact that the occurrence in question occurred in the year 2014, and as it is undisputed by the learned counsel for the State that the petitioners have not been involved in any subsequent criminal activity and have indeed been leading law-abiding lives, this Court does not deem it appropriate to incarcerate them at this stage.



Moreover, it is clear that the petitioners have now been burdened with numerous liabilities.

9. In the interest of justice, it is deemed appropriate to maintain the conviction of the petitioners, but reduce their substantive sentence of one year to the period already undergone, however, fine imposed upon each of the petitioners is enhanced as per the details given below:

Under Section	Fine imposed (in ₹)	Fine enhanced (in ₹)
186 IPC	200/-	2200/-
332 IPC	1000/-	6000/-
353 IPC	500/-	3500/-

10. The petitioners are directed to deposit the enhanced amount of fine i.e. $2000 + 5000 + 3000 = 10,000/-$ each before the trial/successor Court within two months from today, failing which the benefit of reduction of sentence will not accrue to the petitioners. On deposit of fine, the enhanced amount of fine shall be disbursed to the complainant against proper receipt.

11. With these modifications, the revision petition stands disposed off.

(MANJARI NEHRU KAUL)
JUDGE

September 12, 2024
rps

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