

2024:PHHC:069476



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

Date of decision : 18.03.2024

1. CRR-2491-2023 (O&M)

Love Duggal @ Love and another Petitioners

versus

State of Punjab Respondent

2. CRR-2613-2023 (O&M)

Ravinder Singh @ Raja and another Petitioners

versus

State of Punjab Respondent

3. CRR-418-2024 (O&M)

Karan Petitioner

versus

State of Punjab Respondent

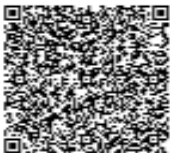
CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhupinder Ghai, Advocate and
Mr. Brijesh Nandan, Advocate
for the petitioners.

PANKAJ JAIN, J. (Oral)

1. These revision petitions at the behest of the accused(s) are
directed against judgment dated 21.09.2023 passed by Additional
Sessions Judge, Kapurthala confirming the judgment of conviction and

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order of sentence passed by JMIC, Phagwara whereby the petitioners stand convicted for offences punishable under Sections 148, 325, 323 IPC and have been sentenced as under:-

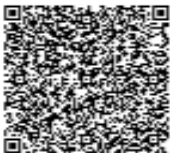
Name of the Accused	Under Section and Imprisonment
Love Duggal @ Love	148 IPC - one and half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	323 r.w.s. 149 IPC - six months RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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	323 IPC - six months RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
Ravinder Singh @ Raja	323 r.w.s. 149 IPC - six months RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	148 IPC - one and half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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Narinder Kumar @ Nindi	148 IPC - one and half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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	323 r.w.s. 149 IPC - six months RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.

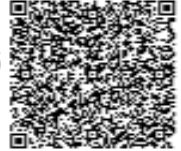
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	323 r.w.s. 149 IPC - six months RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
Karan	148 IPC - one and half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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2. As per the case of the prosecution, on 12.01.2017 victim Gagan Sharma was admitted at Civil Hospital, Phagwara in injured condition. His statement was recorded on 15.01.2017 which led to registration of the present FIR. As per the statement made by the victim while he alongwith his friend Gurpreet Singh @ Gopi was going to his house after attending Lohri function, he was waylaid by the accused persons. Accused Raja gave a baseball bat blow on his head which hit on the left side. He fell down. While he was on floor, Love and Kush hit

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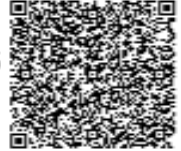
him with Datar on his legs. Karan attacked with a daat on the left leg. Nindi attacked him with Datar which hit on the fingers of his right hand. Lucky inflicted blows upon him with the Datar which hit on the right side of his chest. 11 Injuries were found on the person of the victim out of which injuries No.9 and 10 were opined to be grievous. Injured himself appeared as PW-1. The injuries were proved by Dr. Naresh Kundra, Medical Officer, Civil Hospital, Phagwara who appeared as PW-2. Trial Court after analyzing the evidence threadbare found the petitioners guilty and sentenced them as mentioned hereinabove. In appeal preferred by the petitioners, their sentence stands maintained.

3. Counsel for the petitioners while assailing the impugned judgment have relied upon statement made by PW-4 Yash Sharma to submit that he, despite being close relative of the victim resiled from his statement and did not support the prosecution. Counsel further submits that there is an inordinate delay in registration of FIR. The occurrence is stated to be of 11.01.2017, whereas the FIR came into being on 15.01.2017 and thus concoction cannot be ruled out. It has been further contended that the grievous hurt cannot be proved on record and thus findings holding petitioners guilty of offence punishable under Section 325 cannot be sustained.

4. I have heard counsel for the parties and with their able assistance have carefully gone through the records of the case.

5. Before advertng to the merits of the case, it needs to be noticed that these revisions have been filed by the accused persons

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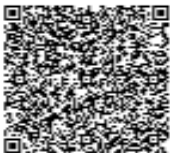


invoking revisional jurisdiction of this Court under Section 401 Cr.P.C. which is much narrow as compared to the appellate jurisdiction. This Court cannot re-appreciate the evidence and can interfere only where there is a glaring error of law committed by the Courts below.

6. So far as the delayed registration of the FIR is concerned, trite it is that delay is fatal to the prosecution but when unexplained. In the present case, both the Courts below have dealt with the delayed registration of FIR in detail. It has come on record that the complainant was brought to hospital on the day of occurrence itself in an injured condition. The witnesses have explained that MLR was received in the Police Station on 12.01.2017. Though, doctor opined the victim to be fit but statement of his attendant namely Pinaki Bhakri was recorded who stated that the patient was unable to give statement on 12.01.2017. Thereafter, the IO being busy in rally duty was able to record the statement of injured witness on 15.01.2017 only. Apart from that injured witness Gagan Sharma appeared as PW-2. He fully explained the occurrence and was put to lengthy cross examination. His version stands fully corroborated by the injuries on his person which were proved on record by PW-2. Thus, this Court finds that defence could not highlight any concoction in the version of the complainant. The same having been fully corroborated by the medical evidence and two injuries having been proved to be grievous, there is no scope for interference in the present revision petitions.

7. Keeping in view the facts and circumstances, the learned Additional Sessions Judge rightly found the charge proved against the

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accused and convicted him. Hence, no fault can be found in the findings. Accordingly, the conviction of the accused is upheld. Since the FIR relates to the year 2017, accused persons have suffered long incarceration and have gone through ordeal of prolonged trial for 07 years by now. The age of accused-petitioners who are all in their 20s and 30s, this Court finds it appropriate to reduce their sentences to one and a half year.

8. In view thereof, present revision petitions are disposed off by maintaining the conviction of the petitioners and by reducing their sentences as under:-

Name of the Accused	Sentence awarded	Sentence reduced
Love Duggal @ Love	325 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 IPC – one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 r.w.s. 149 IPC – one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
Ravinder Singh @ Raja	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 r.w.s. 149 IPC – one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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Narinder Kumar @ Nindi	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 r.w.s. 149 IPC – one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
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Karan	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 r.w.s. 149 IPC – one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.
	325 r.w.s. 149 IPC - two years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.	325 r.w.s. 149 IPC - one and a half years RI and Rs.300/- fine, in default of payment of fine, he shall undergo 15 days RI.

9. Qua all the petitioners, their sentences shall run concurrently.
10. Ordered accordingly.
11. A photocopy of this order be placed on the files of other connected cases.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

18.03.2024
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No