



CRR-2953-2023 (O&M)

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2953-2023 (O&M)
DATE OF DECISION: 16.10.2024

SATNAM SINGH AND ANOTHER

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kuldeep Singh Siwach , Advocate,
for the petitioners.

Mr. Amandeep Singh, D.A.G., Punjab.

Mr. Pardeep Kumar, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN, J.

1. The present Criminal Revision Petition has been filed assailing the affirmation of the judgment of conviction and order of sentence, dated 14.12.1017 passed by the Sub-Divisional Judicial Magistrate, Sardulgarh, qua the petitioners.

1.1 Respondent No. 2-complainant has filed a Criminal Complaint under Sections 452, 354, 392, 324, 323, 379, 506, 504, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') read with Section 120-B thereof, against the petitioners and their 06 co-accused. Both the petitioners and one of their co-accused, namely Gurmail Singh were convicted and sentenced by the Sub-



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Divisional Judicial Magistrate, Sardulgarh, vide its judgment of conviction and order of sentence, dated 14.12.2017, as under:-

Sr. No.	Offence under Sections	Imprisonment	Fine	In default of payment of fine
1.	452 read with Section 34 IPC	To undergo rigorous imprisonment for a period of six months each.	Rs. 200/- each.	To further undergo rigorous imprisonment for five days
2.	354 read with Section 34 IPC	To undergo rigorous imprisonment for one year each.	Nil	Nil
3.	506 read with Section 34 IPC	To undergo rigorous imprisonment for three months each	Nil	Nil
4.	Section 323 read with Section 34 IPC	To undergo rigorous imprisonment for six months each	Nil	Nil

All the sentences were ordered to run concurrently.

1.2 The convicts challenged the aforesaid judgment of conviction and order of sentence, dated 14.12.2017 by way of filing an appeal, which was dismissed by the learned Additional Sessions Judge, Mansa, vide judgment dated 13.12.2023, with the modification in the order of sentence awarded to co-convict of the petitioners Gurmail Singh. Keeping in view the medical history of Gurmail Singh, he was ordered to be released on probation whereas the conviction and sentence awarded to the petitioners was affirmed.

2. At the outset, learned counsel for the petitioners submits that he does not press the present petition on its merits and has submitted that

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the petitioners are poor persons and the sole bread winners of their families. They are the first time offenders. No other criminal case has ever been registered against them. He prays for a lenient view on the quantum of sentence imposed by the learned trial Court.

2.1 In support of his arguments, he has relied upon the judgments of the co-ordinate Benches of this Court, passed in **CRA-S-1474-SB-2003**, titled **Satish** vs. **State of Haryana** (decided on 07.10.2024) and in **CRR-4775-2015**, titled **Sadhu Singh and others** vs. **State of Punjab** (decided on 06.12.2023).

3. On the other hand, learned counsel for the State opposed the prayer of the petitioners and supported the judgment of conviction and order of sentence passed by the learned trial Court. However, learned counsel for respondent No. 2-complainant submits that he has no objection for reducing the sentence of the petitioners to the period they had already undergone.

4. As per the custody certificate of petitioner No. 1-Satnam Singh, dated 04.10.2024, which is already on record, he has undergone actual custody period of 07 months and 25 days, out of total 01 year sentence awarded to him.

4.1 Today, a custody certificate, dated 15.10.2024, of petitioner No. 2-Gora Singh @ Gurlal, has also been filed in Court by learned State counsel, showing the actual undergone period of 08 months and 06 days, out of total 01 year sentence awarded to him. The same is taken on record.

5. As per the version of the complainant-respondent No. 2, there was a dispute regarding the possession of '*Gair Mumkin Abadi*' land. The

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civil litigation filed by the son of co-accused of the petitioners, Gurmail Singh was dismissed, whereas the counter-claim filed on behalf of the complainant was decreed by the Civil Court. On 08.03.2012 at 08:00 p.m., all the petitioners along with their co-accused broke open the gate and forcibly entered the house of the complainant. The petitioners along with some of the co-accused were armed with '*Gandasi*' and '*Dang*' whereas one of their co-accused, namely, ASI Parshotam Singh was empty handed. Petitioner No. 2-Satnam Singh inflicted a '*Gandasa*' blow with its tip which got struck in the abdomen of the complainant, as a result she fell down. Co-convict of the petitioners Gurmail Singh is attributed to have given kick blows to the complainant. When the father of the complainant came forward to rescue her, petitioner No. 2-Gora Singh is alleged to have given a '*Gandasi*' blow which hit on the backside of the ear of the complainant. Co-accused of the petitioners are also alleged to have been inflicted injuries.

6. On 24.04.2012, a Criminal Complaint No. 26, under Sections 452, 354, 392, 324, 323, 379, 506, 504, 148 and 149 IPC read with Section 120-B thereof was registered, on the basis of a complaint given by the complainant-Smt. Sukhjit Kaur (respondent No. 2). After recording the preliminary evidence, the petitioners were summoned by the learned trial Court to face trial under Sections 323, 324, 354, 452 and 506 IPC read with Section 149 thereof. After recording the pre-charges evidence, charges were framed under Sections 323, 324, 354, 452 and 506 of the IPC read with Section 149 thereof. After completing the post-charge evidence, the statement of the petitioners/accused as required under the provisions of

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Sections 313 of the Code of Criminal Procedure, 1973, was recorded, wherein they denied allegations against them and pleaded their false implication. However, the petitioners did not lead any defence evidence. Learned trial Court found the evidence produced by the complainant 'as reliable', convicted and sentenced the accused as noticed above.

7. I have heard learned counsel for the parties and have gone the reasons recorded by the Sub-Divisional Judicial Magistrate, Sardulgarh, while passing the judgment of conviction and order of sentence, dated 14.12.2017 and also gone through the judgment dated 13.12.2023 passed by learned Additional Sessions Judge, Mansa, while upholding the aforesaid judgment and order of sentence, qua the petitioners herein.

8. Having heard learned counsel for the parties and after pursuing the record, it transpires that a Criminal Complaint No. 26, dated 24.04.2012, (*supra*) was registered, on the basis of a complaint given by the complainant-respondent No. 2. The cognizance was then taken by the Area Magistrate on the aforesaid criminal complaint. In the pre-charge evidence, the complainant-Sukhjit Kaur (respondent No. 2) herself appeared as CW-1 and she had corroborated her version in the complaint. Her oral testimonies were corroborated by Binder Singh (CW-2) and Ranjit Singh (CW-3). The judgment, dated 15.02.2012 passed in the civil litigation *inter se* the parties was also placed on record.

9. In view of the reasons recorded by the learned Additional Sessions Judge, Mansa, in its impugned judgment and in view of the statement of the complainant on record which is further corroborated by other two witnesses, no interference is called for in the findings arrived by



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the trial Court and upheld by the appellate Court while convicting the petitioners under Sections 452, 354, 323 and 506 IPC read with Section 34 thereof.

10. However, I have considered the request of the petitioners to take a lenient view regarding the sentence. The petitioners are not having any previous criminal antecedents. Both are the first time offenders. Petitioners have made submissions before the trial Court, that they are the sole bread winners of their families. Petitioner No. 1-Satnam Singh was 29 years of age at the time of occurrence.

11. Keeping in view the above and especially, in view of the fact that there are no previous criminal antecedents of the petitioners and the period of custody already undergone by them, the present Criminal Revision Petition is partly allowed. The judgment of conviction recorded by the learned trial Court is upheld. However, the order of sentence is modified to the extent that the sentence is reduced to the period already undergone by the petitioners. Necessary information be sent to the Chief Judicial Magistrate concerned, for compliance.

12. Pending miscellaneous application (s), if any, shall also stand disposed of.

OCTOBER 16, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No