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2. The brief facts of the present case are that complainant Major Singh was working as Manager, State Warehouse, Sangrur-2 in the year 2005. Prior to him, Sukhwinder Singh Dhindsa was in-charge of that Ware-house. Harbans Singh alias Bansa and his wife Gurjit Kaur alias Rani, the respondents herein, were working with contractor named Joginder Pal. Aforesaid Sukhwinder Singh Dhindsa allowed the respondents to live in government quarter attached to Kiran Gupta godowns. In the month of September, 2005 stocks in the godowns were reduced and work of cleanliness also went down. Said contractor removed his labourers, including the respondents from work. While other labourers left the place, the respondents did not vacate the government quarter even though they were neither employees of the contractor nor had any connection with the department. Complainant Major Singh repeatedly asked the respondents to vacate the government quarter but they kept putting him off on one or the other pretext. After some time, the respondents started coming to his office and extending threats to him saying, who he was to get the quarter vacated. On 04.10.2005 at about 4.30 p.m., Harbans Singh alias Bansa and Gurjit Kaur alias Rani, the respondents forcibly entered office of complainant Major Singh and attacked him with an intention to kill him. At that time Bhagat Singh, T.A., Satvir Singh, temporary clerk and Tara Chand, temporary peon were present there and saved the complainant from the respondents. However, the respondents called bad names to complainant Major Singh and threatened to



kill him. When complainant Major Singh bolted the door of the office from inside the respondents started damaging the door. Complainant accordingly made a complaint to Station House Officer of Police Station, Sadar, Sangrur which was enquired into by ASI Kashmir Singh. During the course of enquiry on 08.10.2005 the respondents gave an undertaking to vacate the quarter by 13.10.2005, but did not do so. They also continued using filthy language against the complainant and extending threats to him. Complainant again approached the police and on 23.10.2005, the respondents again gave in writing that they would vacate the quarter on the day following Diwali i.e. 02.11.2005. Sher Singh son of Baru Singh of Badrukhan and Hansa Singh son of Pritam Singh, resident of Babanpur stood guarantee for the respondents. However, the respondents did not vacate the quarter even on 02.11.2005 and started harassing the complainant. On 07.12.2005 at about 4-00 p.m., respondents accompanied by Ruldu Singh, father of Harbans Singh, again came to the office of the complainant armed with wooden rafts and iron rods and told the complainant that they would finish him and thereby make him to have the taste of attempting at ejection of the respondents from the government quarter. Bhagat Singh, T.A. and Contractor Joginder Pal who were present there saved the complainant.

3. After completion of investigation, challan was presented before the Court of Illaqa Magistrate. During trial, the trial Court held that a prima facie case under Sections 448, 353, 186 and 506 of IPC was made out against the petitioners and they were ordered to be charge-sheeted accordingly. The petitioners pleaded not guilty and claimed to be tried by the trial Court.



4. In support of the prosecution, the prosecution examined 05 witnesses, namely, Sukhwinder Singh Dhindsa as PW-1, ASI Kashmir Singh as PW-2, ASI Balbir Singh as PW-3, complainant Major Singh as PW-4 and Bhagat Singh, T.A. as PW-5 and thereafter, the evidence was closed.

5. After closure of the prosecution evidence, the entire incriminating evidence was put to the petitioners, however, they stated that they have been falsely implicated in the present case.

6. To prove their defence, only one witness i.e. DW-1 Sher Singh was examined in defence and certain documents were placed on record.

7. During the course of arguments, learned counsel for the petitioners submits that he does not wish to challenge the judgment of conviction passed against the petitioners by the Sessions Court, however, they stated that some leniency may be shown, while awarding the sentence to them. Even though, learned counsel for the petitioners has not challenged the judgment of conviction, still this Court has considered the case on merits.

8. I have gone through the documentary as well as evidence produced on the file and examined the case on merits.

9. In the present case, the prosecution had examined PW-1, Sukhwinder Singh Dhindsa, Additional District Manager, PSWC, Sangrur and proved on record Exhibit P2, copy of an order dated 28.03.2003 according sanction for hiring godowns of M/s Kiran Gupta and co-owners by the State Ware Housing Corporation, Exhibit P3, copy of an order dated 12.02.2004 whereby suspension of complainant Major Singh was revoked and he was reinstated in service, Exhibit P4, a copy of an endorsement dated 16.02.2004



conveying to complainant Major Singh that on his reinstatement he stood relieved to report for duty at State Ware House, Sangrur-2 and Exhibit P1, copy of an order dated 29/30.09.2004, whereby complainant Major Singh was put in charge of State Ware House, Sangrur-2. Still further, Major Singh, complainant appeared as PW4 and stated that he was officer in-charge of the State Ware House, Sangrur and when the respondents came to his office, he was on duty. He also stated that he took over the charge of State Ware House, Sangrur on 01.10.2004. Still further, it has also been found that the complainant was performing his official duties as a public servant, when the occurrence had taken place. As per PW4, Major Singh, complainant, the respondents came to his office on 04.10.2005 and threatened him and after threatening him, they attacked him and gave him fist and slaps. His testimony has been supported by PW5, Bhagat Singh. Thus, the prosecution had led sufficient evidence to prove the offence punishable under Sections 353, 186 and 506 IPC and there is no illegality or perversity in the impugned judgment of conviction passed by the Sessions Court and the same is ordered to be upheld.

10. Now, advertent to the order of sentence, this Court is conscious of the fact that the petitioners are facing the agony of trial/appeal/revision since 09.01.2006. Moreover, the sentence of the petitioners was suspended on 10.12.2010 and they are sole bread winner of the family. Apart from that, the petitioners have already undergone more than 02 months of sentence each, out of total sentence of one year awarded to them and this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioners. Thus, the sentence imposed on the petitioners is reduced to the



period already undergone by them. However, the amount of fine imposed on them shall remain same.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

2. Pending applications, if any, stand also disposed of, accordingly.

12.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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