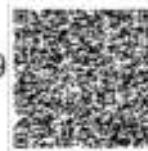


2026.PHHC.072259



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRR 903 of 2010

Date of Decision: 06.05.2026

Gurdeep Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr.Iqbal Singh Maan, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 01.02.2010 passed by the Court of Sessions Judge, Muktsar, and the judgement of conviction and order of sentence dated 10.12.2007 passed by the Court of Judicial Magistrate 1st Class, Muktsar, whereby, the petitioner was held guilty for the commission of offences punishable under Section 452 and 506 of IPC and was sentenced as under:-

Section 452 IPC- to undergo 1 year rigorous imprisonment and to pay fine of Rs. 500/-. In default of fine to further undergo rigorous imprisonment for 2 months;

Section 506 IPC- to undergo 9 months rigorous imprisonment and to pay fine of Rs. 500/-. In default of fine to further undergo rigorous imprisonment for 2 months;

2. As per prosecution allegations, a police party led by ASI Shamsher Singh on 10.05.2004 reached at Bus Stand, Village Sanggu

Dhaun, Bathinda Road, Muktsar in connection with the patrol duty. At that time, Kulwant Singh complainant met the investigating Officer along with Gurpal Singh. The complainant and Gurpal Singh produced accused Gurdeep Singh before the Investigating officer. The complainant made statement before investigating officer that he was resident of Village Bhullar and was agriculturist. The complainant has one son namely Dilbag Singh. Due to parliamentary election, the complainant and his son Dilbag Singh were present in their house. At about 06.45 p.m., the petitioner came to the house of complainant under the influence of liquor. The petitioner started abusing the complainant and threatened to kill him. The petitioner was asked to stop misbehaving but he did not care for the advice. On hearing the verbal duel, Gurpal Singh son of Harbans Singh came to the house of the complainant. Both complainant and Gurpal Singh caught the petitioner and brought him in the police station. On their way to police station, they met the Investigating officer. On the basis of such statement, formal FIR under Sections 452/506 IPC was got registered and the investigation was conducted. The medical examination of the accused was got conducted from Civil Hospital, Muktsar. The spot was inspected and the site plan was prepared. Statements of witnesses were recorded. On completion of investigation and necessary formalities, the accused was *challaned* to face trial in the court.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 452 and 506 IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 Kulwant Singh, PW2 Gural Singh and PW3 SI Shamsheer Singh. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case.

6. In defence, the petitioner examined Jaggan Nath as DW1 and, thereafter, closed the evidence.

8. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution examined PW1 Kulwant Singh and PW2 Gural Singh, who had fully supported the case of the prosecution. Even, both the witnesses were cross-examined at length, however, their testimonies could not be shaken in any manner. Even, they had handed over the pistol to the police party and PW1

Kulwant Singh made a statement Ex. PA before the IO in the present case. SI Shamsheer Singh, IO was examined as PW2, who proved the statement Ex. PA of the complainant and FIR Ex.PA/2. The investigating officer moved an application Ex.PB, where the doctor made his report Ex.PB. The IO visited the spot with the petitioner and witnesses and prepared the site plan Ex.PC. The statements of witnesses were recorded there and on completion of investigation and necessary formalities, the petitioner was *challaned* to face trial in the Court. From the aforesaid statements made by the prosecution witnesses, the prosecution had fully proved the guilt of the petitioner beyond the shadow of reasonable doubt. Thus, the petitioner was rightly convicted for the commission of the offence punishable under Sections 452 and 506 IPC. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now, advertent to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 10.05.2004, i.e., for the last more than 21 years. At present, the petitioner is aged about 43 years and is the sole bread earner of the family. Still further, as per the custody certificate, he has undergone 3 months and 20 days out of total sentence of 1 year. Even his sentence was suspended by this Court on 28.04.2010 and in the last more than 15 years, he had maintained good conduct. Consequently,

keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement of conviction and order of sentence dated 01.02.2010 passed by the Court of Sessions Judge, Muktsar, and the judgement of conviction and order of sentence dated 10.12.2007 passed by the Court of Judicial Magistrate 1st Class, Muktsar, are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the sentence of fine will remain the same.

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

06.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No