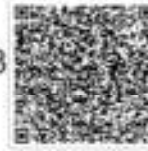


2026:PHHC:048093



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

211

CRR 653 of 2013

Date of Decision: 25.03.2026

Bhupinder Singh and others

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Aditya Sanghi, Advocate and
Mr. Pradeep Chaudhary, Advocate for the petitioners.

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgement dated 14.02.2013 passed by the Court of Additional Sessions Judge, Sirsa, whereby, the judgement of conviction and order of sentence dated 21.11.2011 passed by the learned Judicial Magistrate 1st Class, Sirsa, was partly modified and the petitioners were held guilty for the commission of offences punishable under Sections 365 and 353 of the Indian Penal Code and sentence awarded under Section 186 IPC was set aside. The petitioners were sentenced to undergo rigorous imprisonment for a period of 06 months and to pay a fine of Rs. 1,000/- each for the offence under Section 365 of the Indian Penal Code and in default of payment of fine to further undergo simple imprisonment for one month. They were further sentenced to undergo rigorous imprisonment for a period of 04 months

and to pay a fine of Rs. 500/- each for the offence under Section 353 of the Indian Penal Code and in default of payment of fine to further undergo simple imprisonment for a period of two months.

2. The facts of the prosecution case are that on 07.12.2007, a police party headed by Arun Kumar PSI was present near Bus Stand, Sirsa in connection with patrol duty where Mahabir Bishnoi, General Manager, Haryana Roadways, Sirsa moved an application stating therein that on that day at about 12.30 p.m., he and Rann Singh Poonia, Manager of Haryana Roadways, Sirsa was checking the overloaded vehicles. A jeep bearing registration No.HR-23B-8630 came there from Dabwali side and got down the passengers. The owner of the vehicle namely, Anil Kumar started saying to the passengers in loud voice to sit in the jeep and three other young persons also by moving their hands started to call Fatehabad going passengers from inside the Bus Stand. Rann Singh Poonia, Traffic Manager directed him to stop the said jeep and when he went near the jeep and asked its driver to produce the documents of permit etc., then Anil Kumar became annoyed and directed its driver and cleaner Sahab Singh, Binda and Kalu to put the complainant in the jeep. Thereafter, they all dragged him and put in the jeep and ran the jeep swiftly towards Fatehabad side. When the jeep reached near the barrier of police at village Bajeka turn then on seeing the police party, they got alighted him and fled away towards village Vaidwala along with the jeep.

4. On the basis of aforesaid complaint of the complainant, FIR in the instant case was registered against the petitioners under Sections

365, 353 and 186 IPC. During the course of investigation, the investigating officer rushed to the spot, prepared rough site plan of place of occurrence and formally arrested the accused after completion of all the formalities the *challan* was filed against the petitioners to face trial for the commission of offence punishable under Sections 365, 353 and 186 IPC.

5. After the presentation of *challan*, the petitioners ere charge-sheeted for the offences punishable under Sections 365, 353 and 186 of IPC, to which, they pleaded not guilty and claimed trial.

6. In order to prove its case, the prosecution examined seven witnesses, namely, S.I. Pawan Kumar as PW1, Rann Singh Poonia Traffic Manager as PW2, Mahavir Parshad the complainant as PW3, Joginder Singh, General Manager Haryana Roadways as PW4, Krishan Kumar EHC as PW5, Krishan Chander as PW6 and Ram Parshad SI as PW7.

7. After closure of the evidence, the statement of the petitioners were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case. In defence, the petitioners did not lead any evidence.

8. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgement of conviction passed against the petitioners the trial Court, however, some leniency may be shown while awarding the sentence on them. Even though,

learned counsel for the petitioners have not challenged the judgement of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the petitioners do 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 SI Pawan Kumar, who had received the application Ex. PA and after making his endorsement Ex. PB, sent the same to the police station, on the basis of which Ex. PC was recorded by ASI Pyare Lal. He also conducted part of the investigation in the present case. Rann Singh Poonia, Traffic Manager, appeared as PW2, who had accompanied Mahavir Singh, Manager, and Balbir Singh, Inspector, in checking the illegal vehicles. He also supported the case of the prosecution as mentioned in the application Ex.PA. PW3 Mahabir Parshad and PW4 Joginder Singh, General Manager, also supported the version as mentioned in the application Ex. PA. PW6 Krishan Chander was declared as hostile in the present case. PW7 Ram Parshad SI stated that on 24.03.2008 he was posted as Investigating Officer in Police Post Bus Stand Sirsa and had arrested Kalu alias Boota and Bhupinder alias Binda, who suffered their disclosure statements Ex.PW7/A and Ex. PW7/B, and also got demarcated the place of occurrence and memo of demarcation was prepared by him as Ex.PW5/B. From the evidence led by the prosecution, it was apparent that the prosecution has been

successful in proving the case under Sections 365 and 353 IPC against the petitioners, who had kidnapped Mahavir Parshad, General Manager, Haryana Roadways, Sirsa, with the intention to secretly and wrongfully confine him and also to obstruct him from discharging his public duty as a public servant and they also assaulted the public servant during his duty. Even otherwise, this Court has gone through the impugned judgement passed by the appellate Court and finds no infirmity, perversity or illegality in the same. Accordingly, the impugned judgement is hereby upheld.

12. Now adverting to the order of sentence, this Court has noticed that the petitioners are facing the agony of prosecution since 07.12.2007, i.e., for the last more than 18 years. Petitioner No.1 Bhupinder Singh has undergone more than 03 months; petitioner No.2 Boota Singh has undergone more than 04 months; petitioner No.3 Anil Kumar has undergone more than 05 months and petitioner No.4 Sahab Singh has undergone more than 03 of actual custody out of the total sentence of six months. Considering the long pendency of the case and the period of actual custody already undergone by the petitioners, this Court is of the view that the ends of justice would be met if the sentence imposed upon the petitioners is reduced to the period already undergone by them.

12. With the above modifications, the present revision petition is partly allowed and the impugned judgement dated 14.02.2013 passed by the Court of Additional Sessions Judge, Sirsa, is upheld, whereas, the sentence imposed on the petitioners are reduced to the period already

undergone by them and the sentence of fine imposed on them shall remain same.

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

25.03.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No