
(1985) 01 P&H CK 0086
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 348 of 1984

Bhalla adn anr.

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 21-01-1985

Acts Referred:

Citation : (1985) 01 P&H CK 0086

Hon'ble Judges : K.P.S.Sandhu, J

Advocate : C.M. Sharma, Ram Singh, Advocates for appearing Parties

Judgement

K.P.S. Sandhu, J. (oral)

1. Two petitionerS Bhalla and Sohna were tried along with five persons, namely, Parkash, Jassa Singh, Mohan Sakattar and Karma under section 326, 325, 324 and 323 read with section 149 and 148 of the Indian Penal Code. They were convicted and sentenced as under by the learned trial Magistrate.

(1) Bhalla was convicted and sentenced to rigorous imprisonment for six months and a fine of Rs. 200, in default further rigorous imprisonment for two months, under section 326/149, of the Indian Penal Code and to rigorous imprisonment for three months each under section 325/149, 324/149 323/149 and 148 of Indian Penal Code.

(2) Sohan was convicted and sentenced to rigorous imprisonment for one year and a fine of Rs. 200, in default further rigorous imprisonment for two months under section 326 of the Indian Penal Code to rigorous imprisonment for six months each under Sections 326/149, 325/149, of the Indian Penal Code and to rigorous imprisonment for three months each under sections 324/149, 323/149 and 148 of the Indian Penal Code.

The coaccused of the petitioners were convicted and sentenced to various therms of imprisonment by the trial Magistrate. The substantive sentences of imprisonment were ordered to run concurrently in appeal Jassa, Karma, and

Mohan coaccused of the petitioner were acquitted by the Sessions Judge, Amritsar while Parkash and Sakattar, the other two coaccused of the petitioners, were acquitted of all the charges except the charge under section 324 of the Indian Penal Code for which the benefit of the Probation of Offenders Act was given to them. However, both the petitioners namely, Bhalla and Sohan were acquitted of all the charges except the charge under section 326 of Indian Penal Code for which each of them was sentenced to rigorous imprisonment for six months and a fine of Rs. 200, in default further rigorous imprisonment for two months.

2. These two petitioners are alleged to have caused injuries to Narinder Singh and Sucha Singh PWs on 26th May, 1982, at 4 or 5 p.m. when there was some dispute between the parties over the straying of cattle into the field of Kartar Singh PW1. In this, very occurrenta these two petitioners are also alleged to have received a number of injuries. They were also medically examined the aforesaid injuries prosecution witnesses.

3. The case of the prosecution was that these two petitioners were aggressors and caused injuries to the prosecution witnesses because they objected to the straying of the cattle of the petitioners in their fields. On the other hand, the defence case was that these injured prosecution witnesses entered the house of Mohna coaccused of the petitioner and caused injuries to both the petitioner. The Courts below however, neither accepted the prosecution version nor accepted the defence version but came to the finding that it was a case of free fight I do not think that it was open to the Courts below to make out a new case altogether after rejecting the versions of both the sides. Consequently, this petition is allowed and the conviction and sentence of the petitioner are set aside. The fine, if paid, would be refunded to the petitioner.