
(2003) 02 P&H CK 0111

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 454-SB of 1987

Inderpal Singh, Balbir Singh, Tirlok Singh, Jagtar Singh,
Hardip Singh and Geja Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision : 05-02-2003

Acts Referred:

Penal Code, 1860 (IPC) — Section 148, 149, 307, 323, 324
Probation of Offenders Act, 1958 — Section 4(1)

Citation : (2003) 02 P&H CK 0111

Hon'ble Judges : Adarsh Kumar Goel, J

Bench : Single Bench

Advocate : Baldev Singh and Arshvinder Singh, for the Appellant; H.P.S. Gill, AAG., for the Respondent

Judgement

Adarsh Kumar Goel, J.—Learned counsel for the appellants presses this appeal only in respect of Inderpal Singh and Balbir Singh since other accused were released on probation.

2. Appellant Inderpal Singh has been convicted under Sections 148/324 IPC for causing injuries to Baldev Singh and under Sections 324/149 IPC as his co-accused Balbir Singh caused injuries to Arjan Singh and u/s 323/149 IPC as his co-accused Hardip Singh caused injuries to Surjit Kaur. Balbir Singh has been convicted u/s 148/324 IPC for causing injuries to Arjan Singh and u/s 324/149 IPC as his co-accused Inderpal Singh caused injuries to Baldev Singh and u/s 323/149 IPC as his co-accused Hardip Singh caused injuries to Surjit Kaur. Inderpal Singh and Balbir Singh have been sentenced to undergo RI for two years each and to pay a fine of Rs. 500/- each u/s 324 IPC, in default of payment of fine to undergo further RI for three months each. They have been further sentenced to undergo RI for one year and to pay a fine of Rs. 300/- each u/s 324/149 IPC, in default of payment of fine to undergo further RI for three months. They have been further sentenced to undergo RI for three months each u/s 323/149 IPC. They have been further sentenced to undergo RI for six months

u/s 148 IPC. All the sentences have been ordered to run concurrently.

3. Case of the prosecution is that on 3.5.1984 at 8.30 PM, Gurbachan Singh, complainant alongwith his family members was present in his Dani in the field while PW Arjan Singh was irrigating the field. Appellants alongwith their co-accused came there with their respective weapons. Inderpal Singh was armed with a gun while Balbir Singh was armed with a gandasa. There was a dispute about a kotha (room) and the accused caused injuries to the complainant party. A complaint was filed with the Illaqa Magistrate on 21.5.1984 alleging that the police was not taking any action. The accused were summoned.

4. At the trial, the complainant examined Arjan Singh, PW4, Gurbachan Singh, PW5, Jarnail Singh PW6 and Surjit Kaur, PW7 who are the eye-witnesses apart from Dr. Sham Lal Thakral, PW1 and Dr. K.C. Goyal, PW3 and other witnesses. The trial court accepted the version of the prosecution and convicted and sentenced the appellants- Inderpal Singh and Balbir Singh while the other appellants were released on probation.

5. Learned counsel for the appellants submitted that there was no ground to challenge conviction in view of the categorical evidence on record but having regard to the fact that the occurrence took place 19 years ago, sentence awarded to the appellants should be reduced to the period of sentence already undergone while sentence of fine may be enhanced.

6. I have considered the submissions made by learned counsel for the appellants and have also heard learned counsel for the State.

7. Having regard to all the circumstances of the case, it is in the interest of justice to reduce the sentence imprisonment awarded to the appellants to the period of sentence already undergone while upholding the sentence of fine. In addition, both the appellants i.e. Inderpal Singh and Balbir Singh will deposit a sum of Rs. 10,000/- each (in all Rs. 20,000/-) in the trial court within six months which will be payable to the injured i.e. Baldev Singh, Arjan Singh, Ram Kaur and Surjit Kaur to be shared equally. The amount will be paid to the injured on applications being moved before the trial court. If the amount is not paid as directed, sentence as awarded by the trial court will stand.