

**(2014) 05 P&H CK 0524**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CRA No. S-2179 SB of 2003 (O&M)

Purshotam Lal

APPELLANT

Vs

State of Haryana

RESPONDENT

---

**Date of Decision:** May 20, 2014

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 107, 151, 313
- Penal Code, 1860 (IPC) - Section 307, 323, 325, 34
- Probation of Offenders Act, 1958 - Section 4

**Hon'ble Judges:** Karam Chand Puri, J

**Bench:** Single Bench

**Advocate:** Krishan Singh, Advocate for the Appellant; S.S. Goripuria, Deputy Advocate General, Haryana, Advocate for the Respondent

**Final Decision:** Disposed Off

---

**Judgement**

K.C. Puri, J.

Challenge in this appeal is the judgment and order dated 4.11.2003 passed by Sh. S.S. Lamba, Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide which the accused-appellant Purshotam Lal has been convicted u/s 325 IPC and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs. 1,000/- and in default of payment of fine to further undergo rigorous imprisonment for 6 months.

2. Shorn of unnecessary details, the case of the prosecution is that on 6.6.2001 Dharampal s/o Bhulla Ram, Harijan, made a statement in Gaba Hospital. He has stated that he is a labourer. On 5.6.2001 he was suffering from fever and was at his residence. About 9.00 P.M. while he was lying on a cot in the court yard of his house and his wife Kamlesh was having bath in the court yard. Parkash Chand s/o Nathi Ram, Harijan, who was under the effect of alcohol came there. The complainant advised him to go to his house as he was intoxicated, but Parkash Chand did not go.

Then the complainant alongwith his wife started making him out. Parkash Chand started hurling abuses to which they objected. Thereafter, Parkash Chand, Purshotam and Rajesh sons of Parkash Chand and Jogindro w/o of Parkash Chand came there, armed with lathies and dandas and they gave injuries. The complainant was rescued by his wife. His wife was also given beatings with fist and blows. Then they raised alarm "Bachao-Bachao", upon which Gulab Singh and Banta Ram were attracted to the spot. They rescued him from the clutches of the accused Parkash Chand, Purshotam, Rajesh and Jogindro Devi.

3. After completion of the investigation, challan was presented against the accused. Accused Rajesh was declared juvenile and charge under Sections 307, 323, 325/34 IPC was framed against the other three accused, to which they pleaded not guilty and claimed trial.

4. The prosecution, in order to bring home guilt of the accused, examined PW-1 Dharam Pal complainant, PW-2 Kamlesh Devi, PW-3 Balwant Singh @ Balwant Ram, PW-4 Amar Singh, PW-5 Constable Mulakh Raj, PW-6 SI Om Parkash, PW-7 HC, Bhag Singh, PW-8 Dr. B.S. Gaba, PW-9 ASI Gurnam Singh and closed the prosecution evidence.

5. The accused were examined u/s 313 CrP.C. and all the incriminating evidence was put to them, to which they denied. The accused were called upon to lead their defence evidence and they examined DW-1 Satish Kumar, DW-2 Dr. Ramesh Kumar and closed the defence evidence.

6. Learned trial Court after appraisal of the evidence, acquitted the accused Om Parkash and Jogindro Devi of all the charges, whereas appellant Purshotam Lal was acquitted u/s 323 and 307 IPC but he was convicted u/s 325 IPC and was sentenced to undergo imprisonment and fine as narrated above.

7. Feeling dissatisfied with the abovesaid judgment and order dated 4.11.2003 passed by Sh. S.S. Lamba, Additional Sessions Judge, Yamuna Nagar at Jagadhri, the accused appellant has preferred the present appeal.

8. Counsel for the appellant has not challenged the conviction, but has submitted that occurrence relates to the year 2001. The appellant has already undergone incarceration for a period of 4 months and 10 days, out of the substantive sentence of 2 years. The appellant was 21 years of age at the time of occurrence. So, prayer has been made for taking a lenient view regarding quantum of sentence. To strengthen his argument, counsel for the appellant has relied upon the authorities reported as [Ram Lal alias Ramiu Vs. State of Punjab](#), , [Hazara Ram and another Vs. Jagir Singh and another](#), , [Maya Bai and others Vs. State of Punjab](#), and [Mohan Singh Vs. State of Punjab](#), .

9. The prayer has been opposed by the State counsel.

10. I have considered the submissions made by counsel for both the sides and have also gone through the record of the case.

11. The appellant has already undergone the actual incarceration for a period of 4 months and 10 days. As per the conviction slip, he is not the previous convict nor he is involved in any other case, except in respect of proceedings u/s 107/151 Cr.P.C. The occurrence relates to the year 2001.

12. So, keeping in view the authorities in Ram Lal @ Ramiu case (Supra), Hazara Ram"s case (Supra), Maya Bai"s case (Supra) and Mohan Singh"s case (Supra), the conviction of the appellant as recorded by the trial Court, stands affirmed. However, the sentence stands modified. The appellant is ordered to be released on probation u/s 4 of the Probation of the Offenders Act on his furnishing personal bonds in the sum of Rs. 20,000/- with one surety in the like amount, for a period of one year with an undertaking to appear and receive sentence as and when called upon by the court, in case of default of any term and condition of the probation bond and to keep peace and be of good behaviour during such period of one year from the date of his entering into such bond. The bonds be furnished before Chief Judicial Magistrate, Rewari. The appellant shall pay compensation to the tune of Rs. 20,000/- to the complainant within 2 months from today, failing which he shall undergo the imprisonment awarded by the trial Court. In case the complainant is not alive, in that case, the amount shall be paid to the legal heirs of the complainant-injured.

13. The appeal stands disposed of accordingly.

14. A copy of the judgment be sent to the trial Court for compliance.