



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-2100-2025 (O&M)
Date of decision: 28.08.2025

CHINU

.....Petitioner

VERSUS

STATE OF U.T CHANDIGARH

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Ms. Monika Jalota, Advocate
for the petitioner.

Mr. Adhiraj Toor, Advocate for
Mr. J.S. Toor, Advocate
for respondent-U.T. Chandigarh.

VINOD S. BHARDWAJ, J. (Oral)

CRM-34095-2025

Prayer in the application is for condonation of the delay of 19 days in filing the revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 19 days in filing the revision petition is condoned.

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The instant revision petition has been filed against the judgment and order dated 28.04.2025 passed by the Additional Sessions Judge,



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Chandigarh as well as the judgment and order dated 06.01.2016 passed by the Judicial Magistrate, 1st Class, Chandigarh.

2. Briefly summarized, the facts of the present case are that an FIR No. 94 dated 24.03.2015 was registered under Sections 223 and 224 IPC at Police Station, Sector-36, Chandigarh, on the complaint filed by the complainant Sub Inspector Gurdev Singh with the police. It was alleged in the said complaint that Gurdev Singh had been deputed as an In-charge of the Police party, responsible for producing the accused in Courts, in his tenure as a Sub Inspector in Police Line, Sector-26, Chandigarh. The complainant had brought the accused persons from the Burail Jail and got them lodged in the Bakshikhana of the District Court, Sector-43, Chandigarh. The petitioner-accused Chinu, son of Brahmpal, was also produced for hearing in Court in several cases and Head Constable Bhim Singh was deputed with him. Head Constable Bhim Singh then informed Constable Dalip Singh, who was also posted at Bakshikhana of the District Court, Sector-43, Chandigarh, that the accused Chinu had run away from his custody. On receipt of the aforesaid information, the complainant SI Gurdev Singh reached Court Room No. 17 and he came to know that Head Constable Bhim Singh had left the petitioner-accused Chinu unattended outside the Court room and had himself gone inside to collect the warrants. Taking advantage of the said situation, the petitioner ran away from police custody.

3. Based on the aforesaid statement, an FIR was got registered, the matter was investigated and the petitioner was arrested. On completion of



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the investigation, a Challan under Section 173 Cr.P.C. was presented before the Court. A copy thereof was duly supplied to the accused-Chinu.

4. Charges were framed against the petitioner on 04.11.2015. During evidence, after the prosecution had examined one witness, namely Ved Parkash, on 18.11.2015 and the remaining witnesses were still to be examined, the petitioner confessed his guilt, for which his statement was recorded.

5. In view thereof, further evidence was not recorded and the petitioner was held guilty. Vide order dated 06.01.2016, the petitioner was thereafter sentenced to simple imprisonment for a period of two years for offences under Sections 223 and 224 of the IPC respectively.

6. Aggrieved thereof, the petitioner preferred an appeal before the Sessions Judge, U.T. Chandigarh.

7. After hearing the parties, the Court of Additional Sessions Judge, Chandigarh, partly allowed the appeal and set aside the conviction of the petitioner for the commission of an offence under Section 223 IPC since the same applied only to a public servant. The conviction and sentence of the petitioner under Section 224 were, however, upheld. Hence, the instant revision petition has been filed.

8. Learned Counsel appearing on behalf of the petitioner has vehemently argued that the prosecution has failed to prove the charge against the petitioner and hence, he is liable to be acquitted. She further contends that the confession of the petitioner was required to be recorded in



terms of Section 164 Cr. P.C., but the said procedure has not been complied with. Hence, the petitioner's conviction is bad and liable to be set aside.

9. I have heard learned Counsel appearing on behalf of the parties and have gone through the documents appended along with the present petition as well.

10. It would be imperative to extract the relevant part of the judgment dated 06.01.2016 passed by the Judicial Magistrate, 1st Class, Chandigarh, which reads thus:-

“6. During evidence, prosecution examined one witness namely Ved Parkash on 18th November 2015. Today, case was fixed for evidence of prosecution, but at this stage, accused Chinu has shown his desire to confess his guilt. He has given a separate statement confessing his guilt and he has also affirmed that he is doing so without any coercion, pressure or threat from any quarter. He also undertook not to repeat the offence in future and further requested that lighter view may be taken against him. For the purpose of satisfaction, a query was also put to the accused that whether he is confessing his guilt without any pressure, threat or coercion from any quarter, to which he replied in affirmative. He was also told that he is not bound to make this confession, but he remained adamant and stated that he wants to confess his crime, therefore, this court is of the considered view that accused confessed his guilt without any pressure, threat or coercion. Accordingly accused Chinu is convicted for commission of offences u/s 223 and 224 of IPC. Let the accused be heard on the question of sentence.”



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11. It is evident from the perusal of the same that after the petitioner had expressed his version, his separate statement was recorded and the Magistrate also recorded his satisfaction that the said statement was being given without any coercion, pressure or threat from any quarter. The same aspect, having been recorded by the Judicial Magistrate 1st Class, Chandigarh, in his order, is a sufficient reason for this Court to believe that the learned Magistrate has acted in a *bona fide* manner and in lieu of discharge of his duties. Besides, at no point in time during the course of the appeal or otherwise did the petitioner ever argue that his confession of guilt was on account of any pressure or threat. Hence, the submission of the petitioner that a satisfaction had to be recorded of the confession being made without any pressure would render the judgment bad and liable to be set aside, is liable to be rejected. Since it is not the pleaded case, even at the stage of appeal or in the present revision petition, there is no reason for this Court to disbelieve the findings recorded by the Judicial Magistrate regarding the confession being voluntary, is improper or not based upon a correct appreciation.

12. Faced with the above, Counsel for the petitioner submitted that the case be considered sympathetically, and the sentence awarded to the petitioner be reduced. The antecedents of the petitioner have been seen and the same have also been referred to by the Additional Sessions Judge, Chandigarh, in her judgment dated 28.04.2025. The relevant extract thereof reads thus: -



“8. Now coming to the quantum of sentence. The learned counsel for the appellant/accused has submitted that the accused has been awarded maximum sentence for the offence committed under Section 224 IPC. The applicant is a poor person and remained in custody in this case for four months and 18 days, therefore lenient view may be taken by reducing his sentence.

9. This court has considered the contentions submitted by the Ld. Counsel for the appellant. The appellant-accused has been convicted in the present case on the basis of his confessional statement. Further, as per the custody certificate placed on record by the Jail Superintendent, Model Jail, Chandigarh, appellant-accused has been convicted in 27 cases of theft, snatching and kidnapping and he is still facing trial in three other cases. Moreover, even after the registration of the present FIR, the appellant-accused again escaped from the custody of police official on 09.06.2015 for which another FIR No.200 dated 09.06.2015 was registered against him. Considering the act and conduct of the appellant-accused and his criminal antecedents, no case is made out to reduce the sentence awarded to him under Section 224 IPC.

10. As a result of my above discussion, this appeal is devoid of any merit and the same is dismissed with modification. The findings of conviction and sentence under Section 224 IPC is upheld whereas findings of conviction and sentence under Section 223 IPC is set aside. Case property be disposed off under rules after expiry of period of appeal or outcome thereof, if any. Trial Court record be returned alongwith copy of this Judgment. Appeal file be consigned to the record room.”



13. The State Counsel has also filed the custody certificate of the petitioner, which shows that he is involved in as many as 27 cases of theft, snatching and kidnapping and is still facing trial in three other cases. The criminal antecedents of the petitioner thus do not inspire any leniency to be shown to him.

14. For the foregoing reasons, I find that there is no illegality, perversity or impropriety in the judgment passed by both the Courts. Besides, the antecedents of the petitioner or the ancillary culpable circumstances do not reflect any special grounds in which any further leniency ought to be shown in favour of the petitioner. The instant writ petition is accordingly **dismissed**.

15. All the pending miscellaneous application(s), if any, are also disposed of.

AUGUST 28, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No