

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

CRA-S-1977-SB of 2002

DATE OF DECISION : February 23, 2015

Raghbir Singh and others

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

Present:- Mr. Daldeep Singh , Advocate for the appellants.

Mr. Arshvinder Singh, Addl. A.G. Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

1. Accused Raghbir Singh, Jassa Singh and Jagtar Singh were convicted under Sections 323 and 324 read with Section 34 of the Indian Penal Code. The maximum sentence imposed on the appellants was two years rigorous imprisonment. The fine imposed on each of the accused/appellants was paid. All the above three accused have jointly filed the present appeal challenging the conviction and sentence passed by the trial Court.

2. It is the case of the prosecution that accused Jassa

Singh wielded a Gandasa and caused an injury on the left elbow of Bahal Singh from its sharp edge. Raghbir Singh delivered ghop blow on the left side chest of Bahal Singh. Jagtar Singh gave a Gandasa blow by its reverse side which hit on the head of Bahal Singh.

3. PW3 Dr. Sohan Lal Arora medico legally examined Bahal Singh on 26.12.2000 and found six simple injuries on the person of Bahal Singh.

4. Relying upon the ocular testimony in the background of the medical evidence on record, the trial Court convicted and sentenced the accused as stated supra.

5. The learned counsel appearing for the appellants would submit that the occurrence had taken place way back on 26.12.2000, about 14 years ago. For the simple injuries the accused appellants had caused to Bahal Singh, Raghbir Singh had already undergone 3 months and 6 days, Jassa Singh had already undergone 3 months and 5 days and Jagtar Singh had undergone about one month in prison. Further, it is his submission that Jagtar Singh was shown in column no. 2 and he was summoned only under Section 319 Cr.P.C. by the trial Court. Therefore, it is his submission that the sentence already undergone by the accused may be treated as substantial sentence for the offence allegedly committed by the accused appellants.

6. Of course, the learned AAG for the State would submit that vital part of the body of Bahal Singh had received injury and,

therefore, the trial Court had rightly convicted and sentenced the accused to the maximum period of two years rigorous imprisonment.

7. I thoroughly perused the entire records in the background of the above submissions made on either side.

8. As rightly pointed by the learned counsel appearing for the appellants, the subject occurrence had taken place about 14 years ago. Jagtar Singh had allegedly caused injury using the reverse side of Gandasa. All the injuries caused to injured Bahal Singh were finally certified as simple in nature by PW3 Dr. Sohan Lal Arora.

9. Considering the nature of injuries, the time that had rolled by from the date of occurrence and the period already undergone by the accused-appellants, I am of the firm view that imposing sentence already undergone by the accused would meet the ends of justice. In view of the above, the conviction recorded by the trial Court is confirmed and the sentence imposed on the accused is reduced to the maximum period already undergone by each of the accused. The fine amount has already been paid. With the above modification in the matter of sentence, the appeal stands disposed of accordingly. The accused appellants are on bail. Therefore, the bail and surety bonds executed by them shall stand discharged.

**(M. JEYAPPAUL)
JUDGE**

February 23, 2015

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