

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205) CRR No.1190 of 2015
Decided on: September 19, 2015.

Bhagwant Singh and others
.... Petitioners
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Joginder Sharma, Advocate,
for the petitioners.
Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

This order will dispose of a revision petition filed by the
petitioners, challenging the legality and propriety of the orders passed by the
Courts below convicting the petitioners as follows:-

Name of the accused	Offence/under Section	Sentence
Bhagwant Singh	326 IPC	To undergo rigorous imprisonment for three years and to pay fine of Rs.2500/- and in default of payment of fine to further undergo simple imprisonment for three months.
Bhagwant Singh	324 IPC	To undergo rigorous imprisonment for three years and to pay fine of Rs.1500/- and in default of payment of fine to undergo simple imprisonment for two months.
Avtar Singh and Jagga Singh	326/34 IPC	They are sentenced to undergo rigorous imprisonment for three years and to pay fine of Rs.2500/- each and in default of payment of fine to

		undergo simple imprisonment for three months each.
Avtar Singh and Jagga Singh	324/34 IPC	They are sentenced to undergo rigorous imprisonment for three years and to pay fine of Rs.1500/- each and in default of payment of fine to undergo simple imprisonment for two months each.

Briefly stated, the case of the prosecution, as per the FIR registered at the instance of complainant Satnam Singh PW-1 is to the effected that on 03.03.2009 he had gone to the house of his sister-in-law Rekha Kaur at village Tehna. While he was returning to his village Kaler, he was attacked by the petitioners. Bhagwant Singh was armed with '*kirpan*', petitioner No.2 Avtar Singh grappled with the complainant after petitioner No.3 Jagga Singh raised '*lalkara*'. Bhagwant Singh petitioner No.1 gave three injuries with '*kirpan*' on the space between thumb and finger of the hands, left bicep and left bicep of his arm. The following injuries were observed on the person of the complainant:-

- (1) An incised wound 3 X 1 cm on the back and base of left thumb, 6 cm proximal to tip, margins were red, clotted blood was present.
- (2) An incised wound 5 X 0.2 cm on the front of left arm in its upper 1/2, margins were red, clotted blood was present, skin deep.
- (3) An incised wound 4 X 0.2 cm on the front of left arm just above injury No.2, margins were red, clotted blood was present, skin deep.

Injury No.1 was subjected to X-ray whereas injuries No. 2 and 3 were declared as simple in nature on the basis on X-ray report. Injury No.1 was declared grievous in nature on the basis of X-ray report Ex. PW2/D.

The aforesaid injuries were proved by Dr. Shilekh Mittal PW-2.

Learned counsel for the petitioners has made an attempt to establish that injury No.1 has been wrongly declared as grievous injury but at the same time he has submitted that the matter has actually been compromised between the parties and that the complainant has got no objection, in case the benefit of compromise is granted to the petitioners.

The complainant was directed to appear before the Chief Judicial Magistrate, Faridkot and get his statement recorded regarding the matter having been compromised. His statement has been recorded by the Chief Judicial Magistrate, Faridkot and a report has been received to the effect that the matter has been compromised and that the complainant has got no objection in case the benefit of compromise is granted to the petitioners.

Learned State counsel informs that all the petitioners has undergone sentence of imprisonment of about 8 months.

I have considered the facts and circumstances of the case.

Taking into consideration the statement of complainant recorded on 07.09.2015, nature of the injuries and the duration for which the petitioners had suffered agony of the trial, I deem it appropriate to uphold the conviction and reduce the sentence as follows:-

Name of the accused	Offence/under Section	Sentence
Bhagwant Singh	326 IPC	To undergo rigorous imprisonment for one year

		and to pay fine of Rs.2500/- and in default of payment of fine to undergo simple imprisonment for one month.
Bhagwant Singh	324 IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.1500/- and in default of payment of fine to undergo simple imprisonment for 15 days.
Avtar Singh and Jagga Singh	326/34 IPC	To undergo rigorous imprisonment for 8 months and to pay fine of Rs.2500/- each and in default of payment of fine to undergo simple imprisonment for 15 days.
Avtar Singh and Jagga Singh	324/34 IPC	To undergo rigorous imprisonment for 4 months and to pay fine of Rs.1500/- and in default of payment of fine to undergo simple imprisonment for 15 days.

All the sentences to run concurrently.

Petitioners No. 2 and 3 appear to have already undergone the sentence awarded. They may be released forthwith. Petitioner No.1 may be released on completion of modified sentence awarded by this Court, as mentioned hereinabove.

This revision petition is disposed of in the above terms.

(M.M.S. BEDI)
JUDGE

September 19, 2015
harsha