

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

CRR No. 2231 OF 2015 (O&M)
DATE OF DECISION : 30th JULY, 2015

Pavittar Singh & another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Mohd. Yousaf, Advocate for the petitioners.

Mr. P. S. Ghuman, Additional Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

Heard.

Learned counsel for the petitioners submits that he has to confine his submissions only with regard to the quantum of sentence without challenging the conviction of the petitioners for offence punishable under Section 323 and 324 IPC.

It is submitted that petitioner No.1-Pavittar Singh is aged about 86 years, while Jagdeep Singh is of 34 years. Both are not previous convicts and are first offenders. The Court below has awarded them sentence of one year and to pay fine of ₹100/- each and out of which Pavittar Singh has undergone more than eight months of imprisonment while Jagdeep Singh has undergone more than nine months of imprisonment. The petitioners are not previous convicts, nor have any adverse antecedent. They faced agony of trial for about six years, as such, deserve a lenient view to be taken qua the quantum of sentence awarded to them.

As per the case of the prosecution, the dispute had taken place over the return of the loan amount which the complainant had advanced to Pavittar Singh-petitioner No.1. None of the injuries suffered was on vital part. The trial Court had convicted petitioner No.1 for offence punishable under Sections 326, 324 and 323 read with Section 34 IPC, while Jagdeep Singh was convicted for offence punishable under Sections 323, 324 and 326 read with Section 34 IPC. The appellate Court set aside the conviction and sentence of the petitioners for offence punishable under Section 326. The custody certificate produced on file shows that petitioner No.1-Pavittar Singh has undergone eight months seven days of imprisonment as on 26.07.2015, while petitioner No.2-Jagdeep Singh has already undergone more than nine months of imprisonment as on 28.07.2015.

Keeping in view the fact that the petitioners are not previous convicts and the occurrence has taken place at a spur of the moment, without any pre-meditation, I am of the considered opinion that the ends of justice will fully met if the sentence awarded to the petitioners is reduced to the period of imprisonment already undergone by them.

In view of the above, the conviction of the petitioners for offence punishable under Sections 323 and 324 IPC is maintained. However, the sentence of imprisonment of the petitioners is reduced to the period of sentence already undergone by them. The petitioners be released forthwith, if not required in any other case.

With above modification of sentence, the petition stands disposed of.

30th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE