

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR-2319-2015 (O&M)  
Date of Decision: October 8, 2015

Malook Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr. Nakul Sharma, Advocate,  
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,  
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

**NARESH KUMAR SANGHI, J. (Oral)**

Challenge in this criminal revision petition is to the judgment dated 2.6.2015, passed by learned Sessions Judge, Ferozepur, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Section 324, IPC, recorded by learned Judicial Magistrate First Class, Ferozepur, was dismissed.

When the present criminal revision petition came up for preliminary hearing on 6.7.2015, then notice of motion was issued qua quantum of sentence only.

Learned counsel for the State submits that in view of the preliminary order passed by this Court on 6.7.2015, the present petition can be disposed of at this stage.

Learned counsel for the petitioner submits that Kashmir Kaur (PW-2) is the injured in the present case; on account of a dispute over an electric motor installed at the agricultural fields belonging to both the factions, the petitioner alleged to have caused two simple injuries attracting the mischief of Section 324, IPC, by means of *Kappa* (a wooden log having iron sharp edged nose) on the person of Kashmir Kaur; the petitioner is a first offender; out of the awarded rigorous imprisonment of two years, the petitioner has already suffered jail imprisonment of more than four months; and that during pendency of the trial and appeal, the petitioner remained on bail, but he did not misuse the said concession. He further submits that the petitioner is the only bread winner of his family.

Learned counsel for the State has produced the affidavit, dated 14.8.2015, of the Superintendent, Central Jail, Ferozepur, showing the period of incarceration suffered by the petitioner, which is taken on record. Learned counsel for the State has not controverted the factual aspects raised by learned counsel for the petitioner.

After hearing learned counsel for the parties, this Court

finds that the injured, Kashmir Kaur (PW-2) and Saroj Rani (PW-3), an eye-witness of the occurrence, have fully supported the prosecution version, therefore, both the Courts below have rightly returned the finding of guilt against the petitioner and, as such, learned counsel for the petitioner has correctly opted not to challenge the conviction of the petitioner.

As per counsel for the parties, the petitioner is first offender; he is neither required nor involved in any other case; the quarrel had taken place over an electric motor installed at the agricultural fields belonging to both the factions; two simple injuries attracting the mischief of Section 324, IPC, were caused on the person of Kashmir Kaur (PW-2), which have healed and the injured is performing her daily pursuits; and that out of awarded sentence of two years, the petitioner has already undergone the substantive sentence of four months and six days. Perusal of the custody certificate/affidavit, dated 14.8.2015, produced by learned counsel for the State would reveal that during his incarceration, the petitioner has earned jail remission for four days, which shows that he is in process of improving himself. He is stated to be sole bread-winner of his family.

At this stage, learned counsel for the petitioner has also pointed out that the petitioner is ready to adequately compensate the injured, Kashmir Kaur.

In view of totality of the facts and circumstances of the case, the jail imprisonment of the petitioner is reduced to the period already undergone by him, i.e. four months and six days. However, the fine imposed by learned Trial Court is maintained. It is further directed that the petitioner shall pay a sum of ₹50,000/- (Rupees fifty thousand only) as compensation to the injured, Kashmir Kaur (PW-2) within one month of passing of this order. The said amount of compensation shall be deposited before learned Trial Court against receipt. On receipt of the said amount of compensation, learned Trial Court shall issue notice to the injured, Kashmir Kaur (PW-2) for withdrawal of the said amount as per norms. In case, the petitioner fails to comply with the above order of paying compensation within the stipulated period, then the sentence imposed by learned Trial Court and affirmed by learned Appellate Court, shall enure.

The petitioner be set at liberty at once, if not required to be in custody in any other case.

The present criminal revision petition stands disposed of in the above terms.

**October 8, 2015**  
Pkapoor

**(NARESH KUMAR SANGHI)**  
**JUDGE**