

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

**Criminal Revision No.2778 of 2015(O&M)
Date of Decision: December 03, 2015**

Jugraj Singh

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sarbjit Singh Grewal, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Mr.J.S.Sidhu, Advocate, for
Mr.Amardeep Singh Mann, Advocate,
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

CRM-37308-2015

In view of the grounds mentioned in the application,
the same is allowed. Informant Labh Singh s/o Muktiar Singh,
r/o village Alisher Khurd, Tehsil and District Mansa, is
permitted to be impleaded as respondent No.2.

Amended memo of parties is taken on record.

CRR-2778-2015

Challenge in the present criminal revision petition is
to the judgment dated 11.06.2015 passed by learned Sessions
Judge, Mansa, whereby the appeal filed by the petitioner

challenging his conviction and sentence for the offence punishable under Section 324 read with Section 34, IPC, recorded by learned Additional Chief Judicial Magistrate, Mansa, in a case arising out of FIR No.97 dated 06.12.2009, registered at Police Station, Joga, District Mansa, was dismissed.

At the very outset, learned counsel for the petitioner submits that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. He further submits that the quarrel in which Labh Singh (respondent No.2) had allegedly sustained the injuries, had taken place between two real brothers i.e the petitioner, Jugraj Singh and Labh Singh (respondent No.2) and due to intervention of the respectable and elderly people of the society, Jugraj Singh (petitioner) and Labh Singh (respondent No.2) have resolved their dispute and effected a compromise (Annexure P-1). He further submits that all the injuries, alleged to have been received by Labh Singh, have healed and he is leading a normal life. He further submits that for the last about six years, the petitioner is facing the agony of trial, the appeal and the present revision petition. During pendency of the trial and the appeal, the petitioner was released on bail but he did not misuse the said concession and that the petitioner has already suffered incarceration for more than five months since

he was taken into custody after dismissal of the appeal on 11.06.2015, under the orders of learned Sessions Judge, Mansa.

Learned counsel for the State has not controverted the fact that the quarrel had taken place between the two real brothers on account of a petty matter and now Labh Singh (respondent No.2) is leading a normal life. He further submits that in view of the compromise effected between the private parties and placed on record, he has no objection if the substantive sentence of the petitioner is reduced to the period already undergone by him.

Learned proxy counsel for the complainant/informant/respondent No.2, Labh Singh, has also fairly admitted the execution of the compromise (Annexure P-1) and has no objection if the substantive sentence of the petitioner is reduced to the period already undergone i.e. approximately five months.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that learned counsel for the petitioner has rightly opted not to challenge the conviction of the petitioner for the offence punishable under Section 324 read with Section 34, IPC.

In view of the fact that the quarrel had taken place between two real brothers i.e the petitioner and respondent No.2, Labh Singh and all the injuries received by Labh Singh

(respondent No.2) have healed and he is leading a normal life; the petitioner has suffered incarceration for approximately five months and a compromise has also been effected between both the private parties, therefore, the substantive sentence of the petitioner for the offence punishable under Section 324 read with Section 34, IPC, is reduced to the period already undergone by him. The fine imposed and the imprisonment in default thereof passed by Courts below shall remain undisturbed. Since the petitioner is confined in the jail, therefore, he be released at once if not required in any other case.

Disposed of accordingly.

December 03, 2015
seema

(Naresh Kumar Sanghi)
Judge