

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3045 of 2015 (O&M)****Date of Decision: October 09, 2015**

Surjeet and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.K.D.S.Hooda, Advocate
for the petitioners.Mr.Anmol Malik, Asstt. Advocate General, Haryana
for the respondent-State.Ms.Pratibha Yadav, Advocate
for the complainant.

INDERJIT SINGH, J.**CRM No.33505 of 2015**

The application is allowed, subject to all just exceptions.

Compromise Annexure A-1 is taken on record.

CRR No.3045 of 2015

The present revision has been filed by the petitioners Surjeet, Mahender Singh and Anil Kumar against State of Haryana, challenging the impugned judgment of conviction dated 15.10.2012 and order of sentence dated 17.10.2012 passed by learned Judicial Magistrate Ist Class, Fatehabad, vide which the petitioners were convicted under Sections 323, 324, 325, 326, 341 and 506 read with

Section 34 IPC and they were sentenced to undergo rigorous imprisonment for a maximum period of three years and to pay fine and also challenging the judgment dated 05.08.2015 passed by learned Sessions Judge, Fatehabad, vide which appeal filed by petitioners was dismissed.

At the time of preliminary hearing, learned counsel for the petitioners did not dispute the concurrent findings given by the Courts below and prayed for reduction of sentence and notice of motion was issued only on quantum of sentence.

Learned State counsel appeared and contested the petition. Custody certificates have also been filed.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In the present case, FIR has been registered under Sections 323, 324, 325, 326, 341, 506 and 34 IPC on the statement of injured Pappu, who mainly stated that on 31.05.2007, at about 5.45 pm, when he reached near the bridge of the drain in village Kajalheri on his motorcycle, then accused Mahender Singh, Sarjit and Doctor, who were hiding behind the adjacent temple, came up on the road and intercepted him. Sarjit raised *lalkara* and gave a *barchhi* blow on his (complainant) left leg. Mahender gave hockey blow on his left hand, doctor gave *barchhi* blow on his right leg and then again Sarjit gave *barchhi* blow on his left leg and Mahender gave hockey blow behind his head. All the accused caused other injuries also.

After necessary investigation, challan was presented

against the accused-petitioners and charges were framed against them, to which they did not plead guilty and claimed trial.

On the basis of the evidence, learned JMIC, Fatehabad held that injured Pappu sustained six simple hurts caused by blunt weapon, two simple hurts by sharp weapon, one grievous hurt caused by blunt weapon and one grievous hurt caused by sharp weapon and convicted and sentenced the petitioners as stated above. An appeal was filed by the accused-petitioners and learned Sessions Judge, Fatehabad, vide judgment dated 05.08.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioners.

At the time of arguments, learned counsel for the petitioners contended that parties have already effected compromise and the same has also been placed on the record.

Learned counsel for the complainant appeared and place on record the affidavit of the injured Pappu.

From the record, I find that petitioner Surjeet has undergone 5 months and 7 days of actual sentence including remission. Petitioner Anil has undergone 2 months and 15 days of actual sentence including remission and petitioner Mahender has undergone 3 months and 3 days of actual sentence including remission.

Keeping in view the above discussion and in view of the compromise between the parties, which has been admitted by learned counsel for the complainant also, the present revision petition is partly

accepted and the sentence of the petitioners is reduced to the sentence already undergone by them. Petitioners Surjeet, Mahender Singh and Anil Kumar, who are in custody, be released forthwith if their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

October 09, 2015
Vgulati

(INDERJIT SINGH)
JUDGE