

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

CRR-372-2015 (O&M)

Date of decision : 24.03.2015.

Dharam Pal and another

.....Petitioners

Versus

State of Punjab.

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the 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?

Present: Mr. Sumeet Puri, Advocate for petitioners.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. Shiv Narain Sharma, Advocate for complainant.

DARSHAN SINGH, J (Oral)

The present revision petition has been filed against the judgment dated 12.09.2013, vide which the petitioners were held guilty and convicted for the offences punishable under Sections 323 and 324 read with Section 34 of Indian Penal Code, 1860 (in short 'IPC'). They were sentenced to undergo rigorous imprisonment for a period of six

months and to pay a fine of Rs.500/- each, in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days for the offence punishable under Section 323 IPC. They were also sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-, in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days for the offence punishable under Section 324 IPC. Their appeal against conviction and sentence has also been dismissed by the learned Additional Sessions Judge, Sangrur vide judgment dated 15.01.2015.

2. Learned counsel for the petitioners has confined his prayer qua the quantum of sentence on the basis of compromise between the parties during the pendency of present revision petition. So, the revision petition is admitted qua the quantum of sentence.

3. Learned counsel for the petitioners states that both the petitioners are the real brother of the complainant-injured Jagbir Singh and injured Beant Kaur is their sister-in-law (Bhabi), wife of Jagbir Singh. They are living in the adjoining houses and have amicably settled their dispute. He further pleaded that the petitioners have already undergone about two months of sentence and have also paid the fine.

4. Shri Shiv Narain Sharma, Advocate, learned counsel for the complainant has also corroborated the contentions of learned counsel for the petitioners with respect to the compromise between the parties during the pendency of the petition.

5. As per the prosecution allegations complainant Jagbir

Singh has suffered only one injury on his head, attributed to petitioner No.1 Dharampal. Injured Beant Kaur has suffered two injuries i.e. on her right shoulder and waist caused with Krich, attributed to petitioner No.2 Baldev Singh. As the petitioners have been convicted for the offences punishable under sections 323 and 324 IPC, so the injuries suffered by them were simple in nature.

6. The factum of compromise between the parties can **always** be taken into consideration to determine the quantum of sentence. Complainant Jagbir Singh and his wife injured Beant Kaur have filed the affidavit, wherein they have mentioned that they have entered into mutual understanding with each other and they have no objection if this Court grants bail or acquit the petitioners of the charges or any other appropriate relief. Learned counsel for the petitioners as well as complainant have also stated at Bar that after this occurrence, no further dispute has taken place between the parties and now they are living amicably and peacefully.

7. This fact is not disputed that they belongs to one family. The petitioners are real brothers of complainant Jagbir and injured Beant Kaur is their sister-in-law. The custody certificate placed on record by the learned state counsel shows that petitioners have undergone the sentence of two months and seven days as on today. The custody certificate further shows that no other case is pending against the petitioners.

8. Thus, keeping in view the aforesaid facts and circumstances, the petitioners deserve the reduction in their sentence. So,

they are sentenced to imprisonment already undergone by them. They be set at liberty if not detained in any other case.

9. With the above modification alone, the revision petition stands disposed of.

24.03.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**