

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4783 of 2015
Date of decision: 10.12.2015

Subhash and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Raman Gaur, Advocate for
Mr. Piyush Gaur, Advocate
for the petitioners.

SABINA, J.

Petitioners had faced the trial qua commission of offence punishable under Section 323, 325, 506/34 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 2 dated 7.1.2006 registered at Police Station City Narnaul. Trial Court vide judgment dated 18.10.2012 ordered the conviction of the petitioners under Section 323 read with Section 149 IPC. However, petitioners were ordered to be released on probation vide order dated 22.10.2012. Aggrieved against the said judgment/order, petitioners as well as complainant Gyanender Kumar preferred appeals and the same were dismissed by the Appellate Court vide order dated 13.10.2015. Hence, the present petition by the petitioners.

Prosecution story, in brief, is that on 7.1.2006, at about 10.30/10.45 A.M., complainants were putting up shuttering on the second floor of their house in the presence of Lilu, Girdhari and Parmod. In the meantime, Krishan Kumar started abusing the

complainant. Surender-brother of the complainant and Kumudani reached the spot. Krishan Kumar was armed with an iron rod. In the meantime, Suresh armed with a stick came to the spot and gave blows with it on the both hands of the complainant as well as on his back. In the meantime, Suman, Usha, Renu, Sushila, armed with sticks, came to the spot and gave blows on the back as well as hands of Narender. All the ladies caught hold of Kumudani and gave her stick blows on her head and back. Krishan Kumar gave a rod blow on the head of the complainant. Complainant party was got rescued by Girdhari, Parmod and Billu and were removed to the hospital for treatment.

After completion of investigation and necessary formalities, challan was presented against the petitioners.

During trial, complainant Gyanender Kumar appeared in the witness box as PW-1. Narender Kumar appeared in the witness box as PW-3. Injured Kumudani appeared in the witness box as PW-6. Parmod Kumar and Girdhari Lal appeared in the witness box as PW-8 and PW-9, respectively. The said witnesses deposed qua the manner of occurrence. The ocular version was duly corroborated by medical evidence. It has transpired during the course of arguments that the cross-version put-forth by the petitioners was disbelieved. Complaint filed by the petitioners side was dismissed. The Courts below rightly ordered the conviction and sentence of the petitioners under Section 323 read with Section 149 IPC. Petitioners were ordered to be released on probation. Petitioners were further directed to pay jointly compensation to the tune of ₹ 10,000/- each to complainant/injured i.e. Gyanender, Surender and Narender and

₹ 5,000/- by way of compensation to Kumudani. The said amount cannot be said to be on a higher side.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

December 10, 2015

Gurpreet