

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

CRA-S-1174-SB-2004

Date of decision: 01.02.2016

Jagir Singh and Others

..Appellants

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL

Present: Mr.P.S. Sullar, Advocate for the appellants.

**Mr. Gaurav Jindal, Addl. Advocate General,
Haryana-State.**

Mr. Bhag Singh, Advocate for the complainant.

- 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?***

M. JEYAPPAUL, J.(ORAL)

As many as 14 accused faced trial before the Learned Additional Sessions Judge, Fast Track Court, Ambala. Accused Garja Ram alone was acquitted. But the other accused who were convicted under Sections 323/325/307/148/149 IPC have jointly preferred the present appeal.

Accused Jagir Singh, Ramesh Kumar, Karnail Singh, Singh Ram had died and as a result of which the appeal qua them abated.

The accused-appellants placed on record a

copy of compromise dated 12.10.2015. Counsel appearing for the complainant admits that the matter has been compromised between them as per the compromise (Annexure A-1) produced before this Court in CRM No. 39370 of 2015.

Inasmuch as the matter was compromised between the parties, learned counsel appearing for the appellants did not prefer to canvass for acquittal, therefore, this Court has no occasion to go into the merits of the appeal for reversing the judgment of the Trial Court. The custody certificate produced by learned counsel appearing for the State of Haryana disclosed that accused Virender Singh, Singh Ram, Gajra, Jagir and Amar Singh have undergone 11 days and accused Paramjit, Ramesh, Krishan Kumar, Karnail Singh and Balbir have undergone 29 days, Ram Kumar has undergone 27 days and accused Rumali Devi and Dayalo Devi have undergone 2 days.

Learned counsel appearing for the appellants submitted that considering the order of trial faced by the appellants for 18 long years the nature of the injuries caused by them and the factum of compromise struck between the parties, the sentence imposed upon them by the trial Court may be reduced to the period already undergone.

Learned counsel appearing for the complainant submitted that inasmuch as the matter was compromised between the parties, he has virtually no objection to the prayer made by the appellants.

Learned counsel appearing for the State of Haryana vehemently submitted that the medical evidence would disclose that some of the accused-appellants had caused grievous injuries which were dangerous to life. Further, he pointed out that the vital parts of the body of the victims had been aimed at by the accused-appellants. For all these reasons, it is submitted that the prayer for reduction in sentence be also rejected.

On a careful perusal of the medical evidence, it is found that accused Paramjit, armed with *gandasi* had caused injury on the right ear of Gian Chand, accused Balbir Singh armed with an iron rod had caused injury on the head and right eye of Gian Chand and accused Rumalo Devi who was armed with Lathi had caused injury on the nose and right eye of Gian Chand. PW-14 Dr. Rajesh Chhabra, Assistant Professor, has opined that the possibility of injuries found on the person of Gian Chand were grievous and dangerous to life.

It is, of course, found that the case had originated 18 years ago. In other words, accused has undergone the rigors of trial for last 18 years long. Accused Rumalo Devi was found innocent during the course of investigation, but she was summoned under Section 319 Cr.P.C., to face trial along with co-accused. Of course, injured eye witnesses have spoken to the attack launched by Rumalo Devi with Lathi on Gian Chand. Accused Paramjit has armed with *Gandasi* and accused Balbir Singh had armed with an Iron rod. They have given vital

injuries on the body of Gian Chand. Gian Chand was brought to hospital for treatment when he was found unconscious.

For all these reasons, though the appellants has undergone the order of trial for 18 years and the matter has been amicably settled between the parties, I am of the considered view that the interest of justice would be met if accused Paramjit and Balbir Singh are convicted to 6 months rigorous imprisonment for the major offence under Sections 307 and 149 IPC. Considering the role of accused Rumalo and the fact that she was summoned to face the trial, under Section 319 Cr.P.C., I am of the considered view that she can be sentenced for one month. Taking into account the role played by accused Suresh Kumar, Ram Kumar, Amar Singh, Virender Singh, Krishan Kumar and Dayalo, they are sentenced to the period already undergone by them.

In the above facts and circumstances, the judgment of conviction passed by Trial Court qua surviving accused-appellant stands confirmed but in the light of the above discussion embarked upon by this Court, the sentence imposed on accused Paramjit and Balbir Singh is reduced to 6 months rigorous imprisonment, the sentence imposed on and Rumalo is reduced to one month and the sentence imposed on accused Suresh Kumar, Ram Kumar, Amar Singh, Virender Singh, Krishan Kumar and Dayalo is reduced to the period already undergone by them. It is reported that the fine has been paid by the respective accused-appellants. The bail bonds executed by the

accused-appellants whose sentence has been reduced to the period already undergone by them shall stand discharged. Accordingly accused Paramjit and Balbir Singh and Rumalo shall surrender before Learned Chief Judicial Magistrate, Ambala within 15 days from the date of this order, failing which the Chief Judicial Magistrate shall take steps to issue non-bailable warrants and send them to jail to undergo the remaining sentence imposed by this Court.

February 01, 2016

Poonam (II)

**(M. JEYAPPAUL)
JUDGE**