

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

Crl. Revision 2019 of 2008
Date of Decision : June 02, 2016

Kirpal Singh and others

.....Petitioners

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. P.L.Singla, Advocate
for the petitioners.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

Mr. Rakesh Gupta, Advocate
for the complainant.

T.P.S. MANN, J. (Oral)

The petitioners alongwith Dalel Singh were tried for committing the offences punishable under Sections 452, 323 and 506 read with Section 34 IPC on the allegations that pursuant to common intention they caused injuries to complainant-Lakhmir Singh on 10.10.2000 at about 8.30 p.m. who was lying on a cot in his bara surrounded by boundary wall and also threatened to kill him. Vide judgment and order dated 10/11.9.2004, learned Judicial Magistrate 1st Class, Panchkula convicted them under Section 452 read with Section 34 IPC and sentenced them to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further

undergo simple imprisonment for two months. They were further convicted under Section 323 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of 500/- each and in default of payment of fine, to further undergo simple imprisonment for one month. They were also convicted under Section 506 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 500/- each and in default of payment of fine, to further undergo simple imprisonment for one month. All the sentences were ordered to run concurrently. The fine imposed was paid by them there and then.

Aggrieved of their conviction and sentences, the petitioners preferred an appeal whereas, their co-convict Dalel Singh preferred separate appeal. Both the appeals came to be decided by learned Additional Sessions Judge, Panchkula vide judgment dated 11.9.2008 by acquitting the petitioners of the charge under Section 506 IPC whereas the conviction and sentence of Dalel Singh of the said charge was upheld. The conviction of the petitioners and Dalel Singh of the charges under Sections 452 and 323 read with Section 34 IPC was also upheld. However, the sentences of imprisonment of two years under Section 452 IPC was reduced to rigorous imprisonment for one year.

Still not satisfied, the petitioners preferred the present

revision whereas their co-convict Dalel Singh filed Criminal Revision 2031 of 2008. Both the revisions came to be admitted and the petitioners as well as their co-convict Dalel Singh were granted the concession of suspension of their sentence by this Court vide order dated 4.10.2008.

As the present revision and Criminal Revision 2031 of 2008 filed by Dalel Singh, co-convict of the petitioners arise out of the same occurrence, they are being disposed of by a common judgment.

Learned counsel for petitioners, namely, Kirpal Singh, Karam Singh, Kartar Singh and Dalel Singh submits that he does not challenge the conviction of all of them. However, it is submitted that they are facing the agony of criminal prosecution for the last about sixteen years. The injuries caused by them to complainant-Lakhmir Singh were found simple in nature. All of them are poor persons and sole bread winners of their respective families. They are also not previous convicts. Out of the sentence of one year imposed upon them, they have undergone a period of about one month. It is also submitted that in the occurrence in question the accused side had also received injuries. Prayer has, accordingly, been made for setting aside their remaining sentences of imprisonment.

Learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer by

submitting that the petitioners had caused numerous injuries to complainant-Lakhmir Singh. It is, however, not disputed that each of the petitioners has undergone an actual period of twenty six days.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioners behind the bars, once again, for undergoing the remaining sentences of imprisonment. Ends of justice would be suitably met, if their remaining sentences of imprisonment are set aside.

Resultantly, the conviction of the petitioners, namely, Kirpal Singh, Karam Singh, Kartar Singh and Dalel Singh for the various offences is upheld. Their remaining sentences of imprisonment are set-aside. The sentences of fine alongwith their default clauses are maintained.

Criminal Revision 2019 of 2008 preferred by Kirpal Singh and others and Criminal Revision 2031 of 2008 by Dalel Singh are disposed of, accordingly.

June 02, 2016
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(T.P.S. MANN)
JUDGE