

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

CRR-3774-2012

Date of decision : 08.11.2016

Jarnail Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. S.S. Dinarpur, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN, J.

The petitioner along with his co-accused, namely, Ajmer and Ram Kishan, was convicted under Section 332, 353, 506 and 186 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.200/- each vide judgment and order dated 21/24.10.2011, passed by learned Sub Divisional Judicial Magistrate, Pehowa. Feeling aggrieved, the accused preferred an appeal which was accepted qua accused Ajmer and Ram Kishan, whereas, while maintaining the judgment of conviction, the substantive sentence of imprisonment qua the present petitioner was reduced from 01 year to 06 months, vide judgment and order dated 09.11.2012, passed by learned Additional Sessions Judge, Kurukshetra.

Hence, the instant revision petition on behalf of petitioner Jarnail Singh @ Jaila.

On 27.11.2012, the following order was passed:-

“Petitioner has been convicted to undergo RI for 6 months and 3 months for having committed offence under Sections 332 and 353 IPC for having assaulted and interfered in the official functioning of complainant Ashok Malik, Tehsildar who alongwith BDPO, JE etc. had been performing the official function of opening the culvert which had been closed by the petitioner and others.

Counsel for the petitioner submits that co-accused of the petitioner, namely, Ram Krishan and Ajmer have been acquitted by the lower Appellate Court giving benefit of doubt.

I have heard learned counsel for the petitioner. On account of finding of two Courts below regarding commission of offence under Sections 332, 353, 506 and 186 IPC, I do not find any sufficient ground to convert the order of conviction into acquittal on re-appreciation of evidence but in view of claim of the petitioner that he is 70% handicapped person, concession can be given to him by reducing the sentence after hearing him on the quantum of sentence.

It has also been submitted that there are injuries on the person of petitioner and his co-accused which have not been explained by the prosecution.

Counsel for the petitioner is directed to place on record the handicapped certificate.

Notice of motion for December 18, 2012.

Notice re: bail also.”

Custody certificate dated 04.09.2016, issued by the Deputy Superintendent, District Jail, Kurukshetra, has been filed in the Court, which is taken on record. As per the custody certificate, the applicant/petitioner has already undergone 01 month and 18 days of actual sentence. The incident took place on 27.06.2006 and the petitioner has been facing the agony of protracted trial for the last more than one decade. He is

not involved in any other case. He is disabled to the extent of 70% on account of amputation of his right hand.

Thus, keeping in view the mitigating circumstances enumerated above, this Court is inclined to take a lenient view as far as the quantum of sentence is concerned. Accordingly, the substantive sentence of rigorous imprisonment awarded under Section 332 IPC is reduced from RI for 06 months to RI for 03 months. The petitioner is stated to be on bail. He be taken into custody forthwith, to undergo the remainder of the sentence. His bail bonds shall stand forfeited.

This revision petition stands disposed of accordingly.

08.11.2016

atulsethi

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No