

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

**Crl. Revision 3475 of 2013**  
Date of Decision : May 31, 2016

Kuldeep Singh

.....Petitioner

***VERSUS***

State of Haryana and another

.....Respondents

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

Present : Mr. Devinder Singh, Advocate  
for the petitioner.

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

Mr. U.K.Agnihotri, Advocate  
for respondent No.2-complainant.

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

The petitioner was tried for committing the offences punishable under Sections 323, 324, 325 and 506 IPC. Vide judgment and order dated 16/17.5.2012, learned Judicial Magistrate 1<sup>st</sup> Class, Panchkula acquitted him of the charge under Section 506 IPC. He was, however, convicted under Sections 323, 324, 325 IPC and sentenced to undergo rigorous imprisonment for three months, rigorous imprisonment for six months and rigorous imprisonment for one year, respectively. All the substantive sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the

petitioner preferred an appeal. After holding that the prosecution has been able to prove its case beyond shadow of reasonable doubt, learned Additional Sessions Judge, Panchkula vide judgment dated 24.10.2013 dismissed the same. Still not satisfied, the petitioner preferred the present revision in which he is currently on bail pursuant to order dated 25.2.2014.

It may not be out of place to mention here that on 11.11.2013 when the revision came up for preliminary hearing, oral request was made by learned counsel for the petitioner to implead injured Sanjeev Kumar as respondent No.2 primarily for the reason that by that time the matter between the parties stood amicably resolved. Upon notice, respondent No.2- Sanjeev Kumar put in appearance through his counsel. Subsequently, on 7.2.2014, various documents by way of compromise between the parties were placed on record as Annexures P-1, P-2 and P-3. The revision came to be admitted on 25.2.2014 and in view of the fact that the matter between the parties stood compromised and compromise deed already placed on record, this Court suspended the sentences of the petitioner and released him on bail.

Learned counsel for the petitioner submits that the petitioner does not challenge his conviction for the charges under Sections 323, 324 and 325 IPC. He, however, submits that the petitioner is facing the agony of criminal prosecution for the last

about twelve years. He is the only bread winner of his family consisting of three children. Besides, he has to look after his old parents. It is also submitted that the dispute between the petitioner and the complainant party stood amicably resolved which fact is not being disputed by learned counsel for injured Sanjeev Kumar-respondent No.2. It is also submitted that out of the sentence of one year imposed upon him, the petitioner has served a period of more than five months. Prayer has, accordingly, been made for taking a lenient view in the matter of his sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the sentence awarded to the petitioner is commensurate with the gravity of offences committed by him. However, learned counsel for respondent No.2-Sanjeev Kumar has submitted that he has no objection if the substantive sentences of the petitioner on all the counts are reduced to the one already undergone by him.

As per the custody certificate already brought on record by the learned State counsel, the petitioner has served a total period of five months and two days.

After hearing learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for

undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met, if his substantive sentences of imprisonment on all the counts are reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the various offences is upheld. His substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by him.

But for the modification in the quantum of sentence of imprisonment, as indicated above, the revision fails and is, therefore, dismissed.

**May 31, 2016**  
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**( T.P.S. MANN )**  
**JUDGE**