

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

CRR No. 2243 of 2016(O&M)

Date of decision :03.10.2016

Jagtar Singh and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.S.Gill, Advocate
for the petitioners.

Mr. Shekhar Gupata, Advocate
for the complainant.

Ms. Mamta Singla Talwar, Deputy Advocate General
Haryana.

DARSHAN SINGH, J.

Petitioners have challenged in the present revision petition the judgment dated 20.11.2015 passed by the learned trial Court and the judgment dated 01.06.2016 passed by the learned Appellate Court against their conviction.

2. Petitioners along with their co-accused Kamaljit Singh were prosecuted for causing injuries to complainant-Baljit Singh with their respective weapons on 10.07.2009. On the basis of statement of complainant-

Baljit Singh, the case under Sections 323, 324, 326, 341 read with Section 34 and Section 506 of Indian Penal Code, 1860 (for short 'IPC') was registered against the petitioners.

3. Learned trial Court *vide* impugned judgment dated 20.11.2015 held the petitioners and their co-accused-Kamaljit Singh guilty and convicted them for the offences punishable under Sections 323, 324, 325, 341 read with Section 34 of IPC and *vide* order on quantum of sentence dated 21.11.2015, they were awarded the sentences as under :-

Names	Under Section	Sentence
Jagtar Singh and Lakhbir Singh	323 read with Section 34 of IPC	Fine of Rs. 500/- each
	324 read with Section 34 IPC	Rigorous imprisonment for one year each and to pay a fine of Rs. 500/- each. In default of payment of fine, to further undergo rigorous imprisonment for one month each.
	325 read with Section 34 IPC	Rigorous imprisonment for two years each and to pay a fine of Rs. 1000/- each. In default of payment of fine, to further undergo rigorous imprisonment for one month each.
	341 read with Section 34 IPC	Fine of Rs. 500/- each.

4. Aggrieved with their conviction, they preferred appeal before the learned Sessions Judge, Ambala. Complainant-Baljit Singh also preferred the appeal against the acquittal of the petitioners for the offences punishable under Sections 326 and 506 of IPC.

5. Learned Sessions *vide* impugned judgment dated 01.06.2016 acquitted co-accused-Kamaljit Singh of all the charges. The appeal filed by the present petitioners was partly allowed. Their conviction for the offences punishable under Sections 324/34 IPC was set aside and their conviction for the offences punishable under Sections 323, 325, 341 read with Section 34 IPC was upheld. But, the sentence for the offence punishable under Section 325/34 IPC was reduced and they were awarded the sentences as under:-

Name	Under Section	Sentence
Jagtar Singh and Lakhbir Singh	323 read with Section 34 IPC	Rs. 500/- each.
	325 read with Section 34 IPC	Rigorous imprisonment for one year each and Rs. 1000/- as fine each.
	341 read with Section 34 IPC	Rs.500/- each

6. Aggrieved with the aforesaid judgments of conviction, the present revision petition has been preferred.

7. We have heard Mr. J.S.Gill, Advocate, learned counsel for the petitioners, Ms. Mamta Singla Talwar, Deputy Advocate General Haryana, Mr. Shekhar Gupta, Advocate, counsel for the complainant and have carefully gone through the paper book.

8. Learned counsel for the petitioners contended that the petitioners have suitably compensated injured complainant-Baljit Singh and a demand draft No. 139073 dated 27.09.2016 amounting to ₹ 1,00,000/- of Punjab & Sind Bank, Branch Baldev Nagar Camp., Dhulkot, Ambala City has been handed over today in the Court to learned counsel for the complainant-Baljit Singh. He contended that he does not challenge the conviction, but in view of the settlement between the parties, lenient view may be taken qua the quantum of sentence, which shall be in the interest of both the parties as it will put an end to the litigation and will create harmonious relations between the parties, who are residents of the same village.

9. Learned counsel for the complainant-Baljit Singh has also stated that he has received the demand draft No. 139073 dated 27.09.2016 amounting to ₹ 1,00,000/- of Punjab & Sind Bank, Branch Baldev Nagar Camp., Dhulkot, Ambala City in the name of injured complainant-Baljit Singh and he has no objection if the sentence awarded to the petitioner is reduced in view of the settlement.

10. We have duly considered the aforesaid contentions.

11. Learned counsel for the petitioners has not challenged the conviction. The challenge in the present revision petition is only qua the quantum of sentence.

12. On 23.08.2016, when this revision petition was listed for hearing, learned counsel for the petitioners had offered to pay a sum of ₹ 1,00,000/- as compensation to complainant-Baljit Singh who had sustained injuries in this occurrence. It is evident from the order dated 23.08.2016 passed by the Coordinate Bench that the counsel for the complainant has stated that he is prepared to receive the above said compensation on the instructions of the complainant. In pursuance of the order dated 23.08.2016, the petitioners have handed over a demand draft No.139073 dated 27.09.2016 amounting to ₹ 1,00,000/- of Punjab & Sind Bank, Branch Baldev Nagar Camp., Dhulkot, Ambala City in order to compensate the injured-complainant-Baljit Singh. Thus, the petitioners have suitably compensated complainant injured Baljit Singh for the injuries caused to him. The parties are residents of the same village. They want to live peacefully. Nothing was pointed out to show that after this occurrence any other dispute has taken place between the parties. So, lenient view in the matter of sentence will suffice the ends of justice.

13. The custody certificate of petitioner-Jagtar Singh shows that he has already undergone 8 months and 1 day of of the sentence awarded by the learned Sessions Judge (Appellate Court). The petitioner-Lakhbir Singh @ Lakkhu has also undergone 4 months and 4 days out of the sentence awarded by the learned Sessions Judge (Appellate Court). In view of the handsome amount of compensation paid by the petitioners to the complainant-injured Baljit Singh, the sentence already undergone by the petitioners will meet the

ends of justice.

14. Thus, keeping in view of our aforesaid discussion, the conviction of the petitioners as recorded by the learned Sessions Judge (Appellate Court) is hereby affirmed. However, the sentence awarded to the petitioners is hereby reduced to that already undergone by them as mentioned above.

15. The present revision petition stands partly allowed accordingly.

(RAJESH BINDAL)
JUDGE

(DARSHAN SINGH)
JUDGE

October 03, 2016

s.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No