

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

**CRR No.3428 of 2015 (O&M)**  
**Date of Decision: April 05, 2016**

Jagtar Singh and another

...Petitioners

**VERSUS**

State of Punjab and others

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Gaurav Singla, Advocate  
for the petitioners.

Mr.P.S.Grewal, Deputy Advocate General, Punjab  
for the respondent-State.

Mr.R.S.Dhaliwal, Advocate  
for respondents No.2 to 4.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioners Jagtar Singh and Gurdial Singh against State of Punjab and other respondents, challenging the impugned judgment of conviction and order of sentence dated 04.04.2013 passed by learned Sub Divisional Judicial Magistrate, Sunam, vide which the petitioner Jagtar Singh was convicted under Section 324 IPC and petitioner Gurdial Singh was convicted under Section 324 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of five days each and

petitioner Jagtar Singh was convicted under Section 325 IPC whereas petitioner Gurdial Singh was convicted under Section 325 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of five days each and petitioner Jagtar Singh was also convicted under Section 323 read with Section 34 and petitioner Gurdial Singh was convicted under Section 323 IPC and they were sentenced to undergo rigorous imprisonment for a period of six months each and also challenging the judgment dated 06.07.2015 passed by learned Sessions Judge, Sangrur, vide which appeal filed by petitioners was dismissed. All the sentences were ordered to run concurrently.

Notice of motion was issued only qua quantum of sentence and learned State counsel as well as learned counsel for respondents No.2 to 4 appeared and contested the petition.

At the time of arguments, learned counsel for the petitioners did not dispute the concurrent findings of the Courts below regarding conviction and prayed for reduction of sentence.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the prosecution version, challan was presented against Jagtar Singh and Gurdial Singh under Sections 325, 324, 323 and 34 IPC in case FIR No.13 dated 27.01.2007. As per the complainant Sukhpal Singh's statement dated 27.01.2007, on the basis of which FIR was registered, on 26.01.2007, at about 7.30 p.m.,

he along with his neighbor Gurdarshan Singh was standing in front of his house. In the meanwhile, another neighbour namely Tari carrying a *barchi* and Gurdial Singh armed with stick came at the spot. Tari inflicted *barchi* blow upon the head of the complainant and Gurdial Singh inflicted stick blows on the back of the head, arms, face and back of the complainant. Tari also kicked the complainant on his genital area. When Gurdarshan Singh intervened, Gurdial Singh gave a stick blow upon his left hand. When mother of the complainant tried to rescue the complainant, then Gurdial Singh inflicted stick blows on her left arm and head.

Keeping in view the fact that accused-petitioners are first offenders, only bread earners of the family and at the time of occurrence, Jagtar Singh is stated to be 20 years old and Gurdial Singh about 55 years and in view of the fact that they are suffering the long protracted criminal proceedings since 2007, lenient view is taken and sentenced imposed upon the petitioners is reduced. The petitioners are directed to undergo rigorous imprisonment for a period of one year under Section 325/34 IPC instead of two years. However, the remaining sentence and sentence of fine, will remain the same. All the sentences shall run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

**April 05, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**