

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.4035 of 2014 (O&M)
Date of Decision: March 01, 2016

Gurmukh Singh and others Petitioners
vs.

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ranjit Sharma, Advocate for the petitioners.
Mr. Ashish Sanghi, DAG, Punjab.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Learned counsel for the petitioners states that he does not press the present revision petition on merits and presses the same only qua the quantum of sentence.

In this case, the allegations are that Gurmukh Singh gave two blows of *datar* on the right hand of Satnam Singh-complainant. Bilu @ Balwinder Singh gave two blows of *dang* on the back whereas Milkha Singh gave *dang* blow on the right elbow of Satnam Singh-complainant.

Out of two injuries given by Gumukh Singh, one of the injuries was found grievous in nature.

Learned Judicial Magistrate 1st Class, Ajnala, vide judgment of conviction and order of sentence dated 09.02.2011 convicted and sentenced all the accused-petitioners as under:

Name of the Accused	Offence punishable u/s	Sentence (R.I.)	Fine (₹)	In default of payment of fine
Gurmukh Singh	326 IPC	2 years	500/-	1 month
	324 IPC	2 years	500/-	1 month
	323 IPC	6 months	--	--

<i>Name of the Accused</i>	<i>Offence punishable u/s</i>	<i>Sentence (R.I.)</i>	<i>Fine (₹)</i>	<i>In default of payment of fine</i>
Balwinder Singh	326 r/w 34 IPC	2 years	500/-	1 month
	324 r/w 34 IPC	2 years	500/-	1 month
	323 IPC	6 months	--	--
Milkha Singh	326 r/w 34 IPC	2 years	500/-	1 month
	324 r/w 34 IPC	2 years	500/-	1 month
	323 IPC	6 months	--	--

All the substantive sentences were directed to run concurrently.

Learned counsel for the petitioners contends that this Court vide order dated 16.12.2014 has directed the accused-petitioners to deposit ₹60,000/- in three equal installments of ₹20,000/- each and on payment of the said amount, they were ordered to be released on bail. It is stated that the said amount of compensation has been deposited and the petitioners have no objection if the said amount of compensation is paid to the legal heirs of Satnam Singh.

Since, ₹60,000/- is ordered to be paid to the legal heirs of Satnam Singh, therefore, some leniency on the point of quantum of sentence may be shown.

In view the matter, the compensation of ₹60,000/-, which was ordered by this Court to be deposited vide order dated 16.12.2014, is ordered to be paid to the legal heirs of Satnam Singh.

Keeping in view the fact that the compensation amount is to be paid to the legal heirs of Satnam Singh, the sentence awarded to the petitioners for the commission of offence punishable under Sections 326 read with Section 34 IPC and 324 read with Section 34 IPC is reduced from 2 years to 1 year each on each count. However,

the remaining part of the sentence awarded under the said Sections and the other Section is maintained.

With the aforesaid modification, the present revision petition stands dismissed. The petitioners, who are on bail, are ordered to surrender before the jail authorities to undergo remaining part of the sentence.

March 01, 2016
sarita

(KULDIP SINGH)
JUDGE