

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

CRR-4676-2015 (O&M)

Date of Decision: February 12, 2016

JAGSIR SINGH @ SEERA

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

**Present: Mr. Kamaljeet Singh Sidhu, Advocate,
for the petitioner.**

Mr. K.S. Pannu, DAG, Punjab.

NARESH KUMAR SANGHI, J.

Challenge in this criminal revision petition is to the judgment dated 16.10.2015 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 326 IPC, recorded by learned Judicial Magistrate Ist Class, Gidderbaha, District Sri Muktsar Sahib, was dismissed.

Initially, when the case came up for preliminary hearing on 04.12.2015, learned counsel for the petitioner confined his arguments regarding the quantum of sentence only and as such the notice of motion was issued for today.

In compliance of the notice issued, Sh. K.S. Pannu, learned Deputy Advocate General has appeared for the State. Both of them are agreeable and in view of the prayer of counsel for the petitioner, the present petition can be disposed of at this stage.

Learned counsel for the petitioner contends that on account of petty/trivial reason a quarrel had emanated between the petitioner and Labh Singh (injured); both of them are labourers; the injured received an injury on the right ring finger which was later on found to be grievous; the petitioner has already suffered incarceration of more than 6 months; the fine imposed by learned trial Court was deposited; there is no other adult male member in the family of the petitioner to look after; he is the sole bread winner for his family and that the petitioner is neither required nor involved in any other case and as such his sentence may be reduced to the period already undergone by him.

Learned counsel for the State has produced an affidavit of officiating Superintendent, Central Jail, Faridkot to show the period of incarceration suffered by the petitioner which is taken on record.

Perusal of the above affidavit would reveal that during his incarceration, the petitioner has earned the jail remission for

15 days which would show that the petitioner is improving himself in Jail. Including the remissions, the petitioner has suffered incarceration for 7 months and 13 days. The grievous injury alleged to have been received by Labh Singh was on the right ring finger. For the last about 6 years, the petitioner is facing the agony of trial, appeal and the present petition. During trial and appeal, the petitioner was released on bail but he did not misuse the said concession.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that it is a fit case where some concession can be extended to the petitioner, therefore, the substantive sentence is reduced to the period already undergone by the petitioner.

Keeping in view the fact that injured Labh Singh was also a labourer and he had received grievous injury on the right ring finger, therefore, the amount of fine imposed upon the petitioner is enhanced to ₹15,000/- (Rupees fifteen thousand only). He has already deposited ₹5,000/- (Rupees five thousand only) and the remaining ₹10,000/- (Rupees ten thousand only) shall be deposited with learned Trial Court by the petitioner within one month on his release from the Jail. As soon as the said amount is deposited, it would be paid to Labh Singh-injured as compensation. The learned Trial Court shall issue notice to Labh

Singh to withdraw the said amount as per norms. In case the order of enhanced amount of fine is not complied by the petitioner then the order of sentence passed by the Court below shall enure. Since the petitioner is stated to be in custody, therefore, he is ordered to be set at liberty at once if not required in any other case.

With the above modification in the present case, the present criminal revision petition is disposed of.

(NARESH KUMAR SANGHI)
JUDGE

February 12, 2016
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