

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 23.09.2017****CRA-S 1990-SB of 2004**

Jitender Singh & others

...Appellants

Vs.

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Saurabh Arora, Advocate and
Ms. Amandeep Kaur, Advocate, for the appellants.

Dr. Sushil Gautam, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The appellants have preferred the instant appeal aggrieved by the judgment of conviction dated 25.09.2004 and order on sentence dated 28.09.2004 passed by the learned Additional Sessions Judge (Ad hoc), Fast Track Court, Kurukshetra, whereby they were convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹1000/- each for committing offence punishable under Section 324 read with Section 34 IPC.

Briefly facts stated are that on 16.03.2000 on receipt of information regarding admission of Lakhwinder Singh in Verma Surgical and General Hospital, Ladwa, ASI Satpal reached there. Since Lakhwinder Singh was declared unfit to make statement on that date, his statement was recorded on 17.03.2000. In his statement, Lakhwinder Singh stated that on 16.03.2000, after polling vote during Panchayat's election in village

Kandoli, he went to Hari Singh Majra School to oversee the election of his maternal aunt Gurpreet Kaur who was contesting the elections. At about 3.30 PM, when he came out of his car after parking the same, Jitender Singh son of Narain Singh, who was armed with sword, while raising *lalkara* that he should be taught a lesson for supporting the wife of Devinder Singh and being a witness against him in a case, gave a sword blow, which hit him on his left arm, whereas Amardeep, younger son of Jitender Singh, caught hold of him and Amandeep, who was armed with knife gave a blow on left side of his stomach. Devinder Singh, his son Lakhjit Singh and one Gurdial Singh, who were present at the spot, got him freed from Jitender Singh etc. and evacuated him to the hospital. Pursuant to the said statement and on receipt of MLR, an FIR was registered against all the three. After completion of investigation, charge-sheet was filed and the appellants were charged for committing the offences under Sections 307, 324 read with Section 34 IPC. The prosecution examined 14 witnesses in order to prove its case. Upon appreciation of evidence and after considering the contentions of the appellants, the learned Additional Sessions Judge (Ad hoc), FTC, Kurukshetra vide judgment of conviction dated 25.09.2004 acquitted them of the charge under Section 307 IPC, but held the accuse guilty of charge under Section 324 read with Section 34 IPC. By an order dated 28.09.2004, the appellants were awarded Rigorous Imprisonment for two years and also a fine of ₹1000/- each for offence punishable under Section 324 read with Section 34 IPC.

It may be mentioned that Lakhwinder Singh – injured, author of FIR, had also filed CRR No.1365 of 2005 challenging the order passed by the learned Additional Sessions Judge acquitting the appellants herein of the

charge under Sections 307 and 326 IPC. However, the revision petition was dismissed by this Court on 27.02.2007 by observing that no fault can be found in the reasoning given by the trial Court while granting probation to the respondents, which appears to be reformatory approach towards the criminal administration of justice.

After hearing learned counsel for the parties and going through the record of the case, I find that the findings recorded by the learned Additional Sessions Judge on conviction are perfectly justified and there is ample evidence to base conviction on. Thus, the conviction for the aforesaid offences stands affirmed.

At this stage, learned counsel representing the appellants has prayed for reduction of sentence of the appellants.

Keeping in view the facts and circumstances of the present case and the fact that the appellants, who are suffering from long protracted criminal proceedings since 2000 and belong to one family being father and sons, it will be expedient in the interest of justice to reduce the sentence of imprisonment of the appellants from 02 years to the period already undergone during trial maintaining the sentence of fine. Fine is stated to have already been deposited by the appellants.

Accordingly, the conviction of appellants under Section 324 read with Section 34 IPC, as ordered by the trial court, is maintained. However, sentence qua imprisonment of the appellants is reduced to already undergone by them. The present appeal stand disposed of accordingly.

23.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>