

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

345

Criminal Revision No.805 of 2007

Date of Decision: May 9th, 2017

Gurvinder Singh @ Bali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. S.S. Chaudhary, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present revision is filed against the judgment dated 23.04.2007 passed by the Additional Sessions Judge (*Ad hoc*), Patiala, whereby the judgment of conviction passed by the Judicial Magistrate Ist Class, Samana, was upheld, but reduced the sentence from rigorous imprisonment two years to rigorous imprisonment one year under Section 326 of the Indian Penal Code maintaining the fine of ₹1,000/- with default stipulation.

2. Learned counsel for the petitioner, after arguing for some time, when this Court was not inclined to accept his plea, has stated that he does not challenge the judgment of conviction on merits and confines his arguments only regarding quantum of sentence. He further submitted that the petitioner has faced the agony of protracted trial and remained in custody for more than 5 months and that now is a married man with family to support, the sentence imposed upon the petitioner be reduced to the period already undergone.

3. As per the prosecution case, on the statement of Pal Singh,

complainant, an FIR was registered on 07.09.1999 against the petitioner for an incident which had taken place on 05.09.1999 at about 8:00 PM in which Pal Singh son of Nazar Singh, resident of village Dugal Khurd, District Patiala, received grievous injury on the left arm between wrist and the elbow as per the evidence of Dr. Satish Kumar Arora (PW-1). The delay in registration of the FIR has been explained by the prosecution.

4. I have gone through the judgments passed by the Courts below and do not find any illegality therein as far as the conviction of the petitioner under Section 326 of the Indian Penal Code is concerned. However, keeping in view the fact that the incident is of the year 1999 when the petitioner was only 20 years of age and now is a married man with family, petitioner having faced protracted trial followed by the pendency of the present revision petition and the matter being almost 17 years old, it would not be appropriate at this stage to send the petitioner back in prison. As per the custody certificate, he has already undergone 5 months and 26 days of the conviction period of one year. As per the Appellate Court judgment, petitioner is a first offender. There is nothing on the record which would indicate that the petitioner has indulged in any other criminal activity except for the present one.

5. As a result, this Court upholds the conviction of the petitioner under Section 326 IPC, but reduces the sentence to the period already undergone by him. The revision is accepted partly, as indicated above.

May 9th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No