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

**CRR No.3733 of 2016(O&M)
Date of Decision: 18.03.2017**

Lalan Ahmad and another

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Jagjit Singh, Advocate
for the petitioners.

Mr. K.S. Sidhu, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Prosecution story started with the allegations that on 05.10.2010, Mangal Singh was going on his motorcycle from FCI godown towards his house. At about 12.15 PM, when he reached near the house of Pappu, petitioner No.1 made a *lalkara* that the complainant be caught. On this, his son i.e. petitioner No.2 who was armed with *kirpan* gave four blows upon the complainant which did not land on the person of the complainant. Thereafter, Jaspal Singh @ Jassa (non-petitioner)

inflicted *kirpan* blow on the left side of ear of the complainant and he fell down. Thereafter, petitioner No.2 gave *kirpan* blows four times on the person of the complainant, which hit on his left elbow three times and the fourth blow landed on his right arm. Later on, petitioner No.2 also inflicted *kirpan* blow on the left thigh of the complainant. In the meanwhile, Gurfan @ Gofa (non-petitioner) removed gold necklace from the person of the complainant. With these allegations, the FIR came to be registered.

During course of investigation, the injuries on the person of the complainant were subjected to X-ray. As per X-ray examination, following injuries were noticed:-

- “1. X-ray skull, AP, PA and left lateral views-no fracture was seen under view.*
- 2. X-ray left mastoid region-no fracture was seen under view.*
- 3. X-ray right forearm with wrist AP and lateral views. No fracture was seen.*
- 4. X-ray right hand AP and oblique views-no fracture was seen.*
- 5. X-ray left elbow-cut is seen in the distal part of humerus.”*

Thereafter, PW 8 Jabinder Pal Kaur also examined the complainant and found following injuries on the person of the complainant:-

- “1. An incised bleeding wound on the medium side of right arm measuring 6.5 cm X 0.5 cm obliquely placed about skin deep 7.5 cm above the right wrist joint.*
- 2. An incised bleeding wound measuring 6.5 cm X 0.5 cm superficial obliquely placed about 4 cm below injury No.1.*
- 3. An incised bleeding wound on the palmer side of right hand elbow the thumb measuring 5.2 cm X 0.5 cm and superficial.*
- 4. An incised bleeding wound on the lateral side of left knee joint measuring 5.5 cm X 1 cm by muscle deep. For which supplementary report sent that injury No.4 in MLR has been written on the lateral side of left knee joint should be read as left elbow joint is written by mistake.*
- 5. An incised bleeding wound on the left ear lobule part measuring 5.5 cm X 1 cm through and through cut. Small portion of ear lobule intact.*
- 6. An incised bleeding wound below the injury No.5 measuring 1.5 cm X 0.5 cm behind left ear lobule oedema 3.5 cm X 2 cm on the left cheek.”*

Trial Court ultimately convicted and sentenced the

petitioners for the offences under 341/324/326 read with Section 34 IPC for a maximum period of three years along with fine and default clause. The conviction was upheld by the lower Appellate Court.

At the time of hearing on 07.10.2016, learned counsel for the petitioners after arguing the case for some time, confined his prayer only to the extent of reduction of sentence.

Learned counsel for the petitioners submitted that as per seat of injuries, the injury falling under the ambit of offence under Section 326 IPC was attributed to Jaspal Singh @ Jassa. Petitioner No.2 is the author of injuries on right forearm, left mostoid region, right hand and left elbow, which were not considered to be injuries falling under the mischief of Section 326 IPC.

Out of total sentence of 3 years, petitioner No.1 has already undergone 8 months, 15 days of actual sentence as on 17.03.2017 and he is not involved in any other case. Petitioner No.2 has already undergone 1 year, 7 months and 22 days as on 17.03.2017 and he is also not involved in any other case.

Keeping in view the seat of injuries and the period already undergone by the petitioners, I deem it appropriate to reduce the sentences of the petitioners for the period they have

already undergone by now. They be released forthwith.

March 18, 2017.
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No