

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

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**CRR-4932-2016 (O&M).
Date of Decision: 08.12.2017.**

Billu Singh

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Gurmeet Singh, Advocate, for the petitioner.

Ramendra Jain, J.(Oral)

CRM-41093-2016

For the reasons mentioned in the application, delay of 42 days in filing the revision is condoned. Application stands allowed.

CRM-41094-2016

Allowed, as prayed for.

CRR-4932-2016

Prayer in this petition under Section 401 of the Code of Criminal Procedure (for short, 'Cr.P.C.') has been made for enhancement of sentenced awarded to the accused-respondent No.2.

Learned counsel for the petitioner inter-alia contends that the accused-respondent No.2 had fired at the complainant and the shot hit his kidney, on account of which, the petitioner would have died, but was saved due to timely medical aid. Keeping in view the gravity and seriousness of

the offence, the punishment awarded to the accused-respondent No.2 by the

trial Court under Section 307 of the Indian Penal Code (for short, 'IPC') is on the lower side.

I have given anxious consideration to the submissions made by learned counsel for the petitioner. According to the medico legal report Ex.P37, the petitioner received following injuries:-

- (1) Multiple lacerated wound, two in number, irregular, 3x2 cm over neck.
- (2) 2.5 x 2. over mid sternum circular, smooth margin, no blackening advice CT chest.
- (3) 1x1 cm wound, round margin, inverted margin and surrounded blackening. No burning. Fresh bleeding present over left side of chest. Suggestive of wound of entry. Advised CT scan.

For causing the above said injuries, accused-respondent No.2 has been convicted for seven years' imprisonment. Two types of punishments are given under Section 307 IPC that whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

Admittedly, there was professional rivalry of selling liquor in between the petitioner and accused-respondent No.2. According to the petitioner, accused-respondent No.2 used to sell the liquor unauthorizedly in his area and when they raised objection, he assaulted the petitioner.

Considering over all facts and circumstances, the punishment awarded to the accused-respondent No.2 is not disproportionate to the offence committed by him and therefore, finding no merit in the instant petition, the same is dismissed.

(RAMENDRA JAIN)
JUDGE

08.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No