

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2222-2017 (O&M)
Date of decision: 20.07.2017

Kapil

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Arun Sharma, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Three persons, namely, Yashpal, Jaji and Kapil assaulted the complainant Ravinder on 18.10.2010. Yashpal gave a Dang blow on the middle finger of the left hand which turned to be grievous. Other simple injuries were given by the present petitioner and Jaji. All of them were convicted by learned Judicial Magistrate First Class, Karnal vide judgment of conviction dated 4.3.2016 and order of sentence dated 9.3.2016 for commission of offences punishable under Sections 323, 325 read with Section 34 IPC and sentenced to undergo Simple Imprisonment for six months under Section 323 read with Section 34 IPC and Rigorous Imprisonment for one year under Section 325 read with Section 34 IPC in addition to fine of Rs.1000/- each, in default of payment of fine to further undergo Simple Imprisonment for seven days. The sentences were directed to run concurrently. The appeal against the said judgment was dismissed by learned Additional Sessions Judge, Karnal vide judgment dated 17.1.2017.

Learned counsel for the petitioner has placed on file a copy of the judgment dated 26.5.2017 passed by this Court in CRR Nos.229 of 2017 and in 291 of 2017 filed by Jaji and Yashpal respectively. A perusal of the said judgment shows that the said petitioners were released on probation. However, they were ordered to pay Rs.15,000/- each as compensation to the injured/ complainant. Learned counsel for the petitioner has prayed for the grant of same relief to the present petitioner also. Custody certificate dated 19.7.2017 filed in Court today and the same is taken on record. It shows that the petitioner is facing trial in another FIR No.135 dated 25.3.2016 registered at Police Station Gharaunda, District Karnal.

under Section 325, 323, 506 read with Section 34 IPC.

Under these circumstances, it is not a fit case where benefit of probation should be extended to the petitioner on parity with the co-accused.

Learned counsel for the petitioner faced with the circumstances, has prayed for leniency stating that the grievous injury was attributed to Yashpal who has since been released on probation.

In view of the matter, there is some scope for showing leniency. Consequently, while maintaining order of sentence passed under Section 323 read with Section 34 IPC, sentence passed under Section 325 read with Section 34 IPC is reduced from Rigorous Imprisonment for one year to seven months. While sentence of fine is maintained.

With the above noted modification, the revision petition is dismissed.

20.07.2017

gk

Whether speaking/ reasoned:

Whether Reportable:

Yes

No

(Kuldip Singh)
Judge