

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2732-2017 (O&M)
Date of decision: 13.09.2017

Karnail Singh and others

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Lakhwinder Singh Sidhu, Advocate for the petitioners
Ms.Monika Jalota, DAG Punjab

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?*

Kuldeep Singh, J. (Oral)

Custody certificates dated 8.9.2017 in respect of all the petitioners filed in Court today and the same are taken on record.

Learned counsel for the petitioners does not press revision qua Balkar Singh @ Bagga – petitioner no.3 and presses the revision on quantum of sentence qua petitioner Nos.1 and 2 Karnail Singh and Jagmail Singh on the ground that they are of advanced age about 70 years and 68 years, respectively, as on the date of filing of present petition. It is stated that on account of modification of order by learned Additional Sessions Judge, Mansa, petitioners now stand convicted for the offence punishable under Section 325 read with Section 34 IPC and their sentence was reduced from Rigorous Imprisonment one year to Rigorous Imprisonment six months each under Section 325 IPC, whereas sentence under Section 323 read with Section 34 IPC was maintained to six months.

It is contended that the petitioner No.1 Karnail Singh and petitioner No.2 Jagmail Singh are of advanced age and are senior citizens.

They are first offenders. Injury is on the middle finger which was found to be fracture. Therefore, they should be released on probation.

Custody certificate filed today shows that the petitioners Nos.1 and 2 are not previous convicts nor any trial is pending against them.

Therefore, considering the advanced age of the petitioner Nos.1 and 2 and keeping in view the fact that they are the first offenders, sentence of petitioner Nos.1 and 2 Karnail Singh and Jagmail Singh is set aside while maintaining their conviction. They are ordered to be released on probation on furnishing probation bonds in the sum of Rs.10,000/- each with like surety for a period of one year under Section 5(1) of the Probation of Offenders Act, 1958. They shall give an undertaking to maintain peace and be of good behaviour and not repeat the offence. They are also ordered to pay Rs.20,000/- each as compensation to the injured Jaswant Singh son of Arjun Singh, Jatt, resident of Village Maghanian, Tehsil Budhlada. The compensation be deposited with the trial Court within one month of the release of the petitioners and the trial Court shall disburse the same to the injured Jaswant Singh. Therefore, the revision qua Karnail Singh and Jagmail Singh-petitioner Nos.1 and 2 is partly allowed to the above noted extent. As the revision qua Balkar Singh @ Bagga is not pressed, therefore revision qua Balkar Singh @ Bagga – petitioner No.3 stands dismissed. Petitioner Nos.1 and 2 Karnail Singh and Jagmail Singh be released forthwith, if not required in any other case. They are directed to furnish probation bonds within one week of their release before the trial Court.

13.09.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No