

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

**CRR No.754 of 2017 (O&M)  
Date of Decision:03.04.2017**

Ram Kumar and others

... Petitioners

Versus

State of Haryana

... Respondent

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Peeush Gagneja, Advocate,  
for the petitioners.

Mr. Satish Saini, DAG, Haryana.

**TEJINDER SINGH DHINDSA, J.(ORAL)**

In terms of judgment of conviction dated 23.02.2013 passed by the learned Judicial Magistrate Ist class, Sirsa, the petitioners herein were convicted for commission of offences punishable under Sections 323, 325 and 326 read with Section 34 of the Indian Penal Code. Vide order of sentence dated 26.02.2013 passed by the trial Court, petitioners/accused were sentenced to undergo rigorous imprisonment for a period of 03 months and to pay a fine of Rs.200 each under Section 323 read with Section 34 IPC and in default of payment of fine to further undergo simple imprisonment for 07 days. Each of the petitioners were sentenced to undergo rigorous imprisonment for a period of 08 months and to pay a fine of Rs.800 under Section 325 read with Section 34 IPC and in default of payment of fine to undergo simple imprisonment for 15 days. Still further petitioners were sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.1000/- each for commission of offence

payment of fine to undergo simple imprisonment for a period of 01 month.

The sentences were ordered to run concurrently.

Appeal preferred by the petitioners against the judgment of conviction and order of sentence passed by the trial Court has been dismissed by the learned Additional Sessions Judge, Sirsa vide order dated 16.12.2016.

The instant revision petition is directed against the concurrent conviction of the petitioners for offence under Sections 323, 325, 326 read with Section 34 IPC as also the order of sentence as noticed hereinabove.

Counsel at the very outset makes a statement that he would not be assailing the conviction of the petitioners on merits but would confine the scope of the revision only as regards quantum of sentence.

I have also perused the judgment of conviction and affirmed by the First Appellate Court and find the same has been recorded upon due appreciation of evidence and by assigning cogent and valid reasoning. Conviction of the petitioners as such does not call for any interference. However, this Court finds sufficient mitigating circumstances for reduction of sentence.

Prosecution case in a nutshell was that Bhupender Singh son of Harbans Singh levelled allegations that on 19.03.2008 Surjan Singh who is married in the village of the complainant was trying to take his bicycle through the wheat crop standing in his fields but when the complainant protested against this, Surjan Singh went away but nursed a grudge. On the following day i.e. 20.03.2008 when the complainant at about 3.30 p.m. was returning from his fields then in the meantime Surjan Singh along with his two sons Sukhdev Singh and Darshan Singh and brother-in-law of Sukhdev

Singh, namely, Ram Kumar accosted him. Surjan Singh is stated to have raised a *lalkara* upon which Sukhdev Singh gave a *datar* blow which hit the complainant on his right foot. Surjan Singh, Darshan Singh and Ram Kumar were having *lathis* in their hands and who as such inflicted lathi blows. Sukhdev Singh is stated to have given a *datar* blow on the middle finger of left hand of the complainant. It is against such brief backdrop that the process of law was set in motion and FIR was registered. Investigation concluded and challan presented against the accused/petitioners. On finding *prima facie* case, charges under Sections 323, 325, 326 and 506 read with Section 34 IPC were framed against the accused party. The trial has culminated in the conviction of the petitioners as also order of sentence as afore-noticed.

The incident relates back to the year 2008. Petitioners have faced the pangs of trial followed by appeal for the last more than 08 years. The occurrence had taken place over a petty issue. It is not a case of inter gang rivalry. As per custody certificates of the petitioners furnished by learned State counsel, they are not stated to be involved in any other criminal proceedings.

As per custody certificates, petitioner No.1 Ram Kumar has undergone an actual custody period of 05 months and 14 days as on 01.04.2017 including custody period as an under trial. Petitioner No.2, namely, Sukhdev Singh has undergone an actual custody period of 05 months and 14 days as on 01.04.2017 including custody period as an under trial. Likewise petitioner No.3 Darshan Singh has undergone custody period of 04 months and 17 days as on 01.04.2017 including custody period as an under trial.

Counsel for the petitioners has argued that the petitioners are in a young age group between 30 to 40 years. They are sole bread earners and with young children. They otherwise have clean antecedents.

In the considered view of this Court, there are sufficient mitigating circumstances as noticed hereinabove which would justify reduction in sentence. In my view, the ends of justice would be met if the substantive sentence awarded to the petitioners is reduced to that of 06 months.

For the reasons recorded above, the present revision petition is disposed of by maintaining the conviction of the petitioners but reducing the substantive sentence awarded to them to a period of 06 months.

Petitioners would be released on completion of such reduced sentence and upon deposit of fine if not already paid.

Revision petition is disposed of in the aforesaid terms.

**03.04.2017**

vandana

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

Yes