

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

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**CRR No.882 of 2017 (O&M)
Date of Decision: May 19, 2017**

Pargat Singh

....Petitioner

vs.

State of Punjab

....Respondent

2.CRR No.883 of 2017 (O&M)

Jagdeep Singh @ Gori & another

....Petitioners

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. P.P.S. Brar, Advocate
for the petitioner(s).

Mr. P.S. Grewal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of **CRR No.882 of 2017 (Pargat Singh vs. State of Punjab)** and **CRR No.883 of 2017 (Jagdeep Singh @ Gori & another vs. State of Punjab)**, as both these petitions are directed against the order dated 24.01.2017, passed by the learned Additional Sessions Judge and in terms of which two separate appeals preferred by the petitioner(s) herein against their conviction recorded by the Judicial Magistrate 1st Class, Faridkot, vide judgment dated 08.12.2016 for offences under

Sections 323, 325 read with Section 34 IPC have been dismissed.

The petitioners herein were sentenced by the trial Court in the following terms:-

<i>Name</i>	<i>Under Section</i>	<i>Punishment</i>
Pargat Singh	325/34 IPC	To undergo RI for one year and to pay fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for a term of 15 days
	323/34 IPC	To undergo SI for six months
Jagdeep Singh	325/34 IPC	To undergo RI for one year and to pay fine of Rs.500/- and in default of payment of the fine to further undergo simple imprisonment for a term of 15 days
	323/34 IPC	To undergo SI for six months
Jaswant Singh	325/34 IPC	To undergo RI for one year and to pay fine of Rs.500/- and in default of payment of the fine to further undergo simple imprisonment for a term of 15 days
	323/34 IPC	To undergo SI for six months

Briefly it may be noticed that the FIR came to be registered on the statement of Sunil Kumar recorded on 26.03.2013 in relation to an occurrence that took place on 18.03.2013. The complainant had asserted that he along with his brother Rakesh Kumar were present near Narinder Cinema, Kotakpura and whereupon the accused party/petitioner(s) herein armed with handles of spade assaulted him and caused injuries on his head. The motive attributed for causing injuries was that Jaswant Singh i.e. petitioner No.2 in CRR No.883 of 2017, was a tenant with the complainant as also his brother and who had been evicted and on account of which Jaswant Singh was nursing a grudge. Initially FIR was registered under Sections 323/34 IPC but upon receipt of X-ray report, offence under Section 325 IPC was added. The charges were framed against the petitioner(s) under Sections 325, 323 & 34 IPC.

The trial has culminated in the conviction of the

petitioner(s) in these two connected petitions as also order of sentence as noticed hereinabove. The judgment of conviction and order of sentence stands affirmed by the appellate Court in the light of common judgment dated 24.01.2017.

This Court has perused the judgment of conviction and finds that the same has been recorded upon due appreciation of evidence adduced on record.

Even counsel representing the petitioner(s) makes a statement at the bar that he would not be assailing the conviction of the petitioner(s) on merits but prays for a lenient view to be taken as regards quantum of sentence.

This Court finds that there are sufficient mitigating circumstances to accept the submission made by counsel as regards quantum of sentence. The petitioner(s) herein are stated to be labourers. They are first time offenders and are not involved in any other criminal proceedings. As per custody certificates of the petitioner(s) furnished by learned State counsel, all the three petitioners in these two connected petitions, have undergone an actual custody period in excess of four months.

Statement of counsel appearing for the petitioner(s) is recorded to the effect that the petitioner(s) are jointly ready and willing to compensate the complainant Sunil Kumar with a sum of Rs.50,000/- on account of injuries suffered.

In view of the above and in the light of mitigating circumstances noticed, this Court is of the considered view that the ends of justice would be met if the substantive sentence awarded to the petitioner(s) is reduced to a period of six months rigorous imprisonment.

Accordingly, the conviction of the petitioner(s) is upheld and these two revision petitions to such extent are dismissed. However, the substantive sentence awarded to the petitioner(s) is reduced to a period of six months rigorous imprisonment.

The petitioners who are in custody would be released

upon completion of such reduced sentence as indicated above and upon payment of fine if not already paid.

It is however clarified that the benefit of this order would enure to the petitioner(s) only upon a prior deposit of Rs.50,000/- being made before the trial Court and which in turn would be released in favour of the complainant Sunil Kumar S/o Ashok Kumar.

Revision petitions are disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

19.05.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***