

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

**(1) CRA-S-282-SB-2005 (O&M)
Date of Decision: September 17, 2018**

Yashpal and others

.....APPELLANTS

VERSUS

State of Haryana and another

....RESPONDENTS.

(2) Crl. Revision No. 1419 of 2005 (O&M)

Naresh Kumar

.....PETITIONER.

VERSUS

Yash Pal and others

....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K.Agnihotri Advocate for
for the appellants in CRA-S-282-SB-2005 and
for respondents No. 1 to 6 in CRR-1419-2005.

Mr. Deepak Grewal, DAG, Haryana.

Mr. K.S.Dhanora, Advocate
for the petitioner in CRR-1419-2005 and
for respondent No. 2 in CRA-S-282-SB-2005.

SURINDER GUPTA, J.

Heard.

All the appellants faced trial for the offences punishable under
Sections 148, 149, 323, 325, 307, 506 of Indian Penal Code (for short, IPC)
in case bearing FIR No.46 dated 07.06.2001 registered at Police Station,
Buria, Tehsil and District Yamuna Nagar.

Learned trial Court acquitted all the appellants/accused of charges framed for the offences punishable under Sections 148, 307/149 and 325/149 IPC. Appellant Yash Pal was held guilty for the offence punishable under Section 325 IPC for causing grievous hurt to complainant-Naresh Kumar with blunt weapon while remaining appellants No. 2 to 6 were held guilty for commission of offence punishable under Section 323 IPC for causing simple injuries with blunt weapon to Naresh Kumar and Suresh Devi and were ordered to be released on probation. Appellant Yash Pal was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹10,000/- for the offence punishable under Section 325 IPC. He was also sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹ 2000/- for the offence punishable under Section 323 IPC. Out of the total amount of fine ₹11,000/- was ordered to be paid as compensation to injured Naresh Kumar.

Learned counsel for the appellants has not challenged the conviction of appellants no.2 to 6 for the offence punishable under Section 323 IPC as they were released on probation. He has also not challenged the conviction of appellant Yash Pal for the offences punishable under Sections 323 and 325 IPC and confines his submission only for taking a lenient view on the quantum of sentence. He has argued that appellant Yash Pal was 24 years of age at the time of FIR and is not a previous convict.

As per custody certificate, appellant Yash Pal has undergone 1 month 15 days of imprisonment. The ends of justice will be met if he is also allowed benefit of release on probation after 18 years of the incident as no purpose will be served by sending him behind the bars.

Injured Naresh Kumar (petitioner in CRR No. 1419 of 2005) has also filed a separate revision seeking conviction of all the accused/respondents for the offences punishable under Sections 148, 307, 325 read with Section 149 IPC.

Learned counsel appearing for petitioner Naresh Kumar (injured) has not pressed revision petition at this stage.

The incident took place in the year 2001. It was the case of sudden fight in which appellants namely Yash Pal, Ashok Kumar and Joginder Singh have also suffered injuries.

Learned trial Court has also observed that it was the complainant Naresh Kumar accompanied by Suresh Kumar, who had gone to the fields where accused/appellants were working and the occurrence took place.

Keeping in view the above facts and that appellant Yash Pal is not a previous convict and has also suffered injuries in the incident, I am of the opinion that no useful purpose will be served by sending him behind the bars for remaining sentence. Therefore, the request of learned counsel for the appellant for leniency in the quantum of sentence is allowed. Appellant Yash Pal is ordered to be released on probation for a period of 1 year on his furnishing probation bonds in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar at Jagadhri. He will also deposit a sum of ₹5,000/- in addition to the amount of fine already imposed, which will be paid to injured-Naresh Kumar as expenses of his treatment. The entire amount of fine and amount of ₹5,000/- so deposited by the appellant Yash Pal shall be

treated as costs of litigation.

This appeal stands disposed of in above terms.

Revision filed by Naresh Kumar is dismissed being not pressed.

September 17, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No