

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

Criminal Revision No. 319 of 2012 (O&M)

Date of decision: 20.7.2018

Iqbal Singh

.. Petitioner

vs

State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Narinder Lucky, Advocate for the petitioner
in CRR No. 319 of 2012.

Mr. Anil Chawla, Advocate, for the petitioner
in CRR No. 1335 of 2012.

Mr. Sandeep Mann, Assistant Advocate General, Punjab.

Rajesh Bindal, J.

This order will dispose of four petitions bearing Criminal Revision Nos. 319, 320, 847 and 1335 of 2012, as the same arise out of common FIR.

FIR No. 98 was registered under Sections 325, 323, 34 IPC, at Police Station Sadar, Tarn Taran, on 9.6.1996, on the complaint of Narinder Singh son of Tek Singh against Balbir Singh, Lakha Singh, Khem Singh and Hira Singh. In cross version, on the complaint of Balbir Singh son of Tek Singh, the case was registered against Narinder Singh, Iqbal Singh, Sulakhan Singh and Nachhattar Singh. All the parties to the dispute are either real or cousin brothers. They are agriculturists by profession. There was some dispute between the parties regarding the land. As a result thereof, there was free fight. Both sides suffered injuries.

In the case registered on the statement of Narinder Singh, learned trial Court convicted Lakha Singh to undergo rigorous imprisonment for three years under Section 326/34, 324 IPC and to pay a fine of ₹ 500/-, Balbir Singh to undergo rigorous imprisonment for three years under Section 326, 324/34 IPC and to pay a fine of ₹ 500/-, and Khem Singh and Hira Singh to undergo rigorous imprisonment for three years under Sections 326/34, 324/34 IPC and to pay a fine of ₹ 500/-. The learned Appellate Court acquitted Khem Singh and Hira Singh and upheld the conviction and sentence awarded to Balbir Singh and Lakha Singh.

In cross-version case registered on the complaint of Balbir Singh, learned trial Court convicted Narinder Singh, Iqbal Singh, Sulakhan Singh and Nachhattar Singh to undergo rigorous imprisonment for three years under Section 325 IPC and to pay a fine of ₹ 500/- and one year under Sections 323, 325/34 and 323/34 IPC and to pay a fine of ₹ 200/-. The learned Appellate Court acquitted Sulakhan Singh and Nachhattar Singh and upheld the conviction and sentence awarded to Narinder Singh and Iqbal Singh.

Learned counsel for the petitioners submitted that the petitioners have already undergone actual imprisonment of about nine months to one year. It has further been stated by learned counsel for the petitioners that the parties are either real or cousin brothers. They have settled their differences. It was case of sudden fight. Hence, while not challenging their conviction, the petitioners are praying for reduction of sentence. Compromise-deed dated 26.4.2018 entered into between the parties has been placed on record, as Annexure P-1 by filing CRM No. 17977 of 2018 in CRR No. 319 of 2012.

Learned counsel for the State submitted that he does not have any information about the matter being compromised. However, he did not dispute the fact that the parties are real or cousin brothers.

After hearing learned counsel for the parties and considering the fact that the dispute is more than two decades old. The parties are real or cousin brothers. It was a case of sudden fight, where both the parties suffered injuries and accused on both sides were convicted. As claimed by the petitioners, the matter in dispute has now been settled. The parties have now compromised the matter, namely, the cause of action of the dispute and they are living happily in the village.

Keeping in view the aforesaid facts, in my opinion, the present petitions deserve to be accepted qua quantum of sentence. Hence, while upholding the conviction of the petitioners, the sentence awarded to them is reduced to the period already undergone.

The petitions are disposed of accordingly.

20.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No