

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

Hemlata  
2018.04.27 13:10  
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**CRR-3559-2017(O&M)**

**Date of decision: 25.04.2018**

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Jitender Dhanda, Advocate  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

Mr. Sunil Saharan, Advocate  
for the complainant.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the judgment of conviction dated 28.05.2014 vide which, the petitioner along with four other co-accused was convicted for 03 years rigorous imprisonment with fine of Rs.1,000/- for commission of offence under Section 323 and 326 of IPC as well as the judgment dated 13.09.2017 passed by the Lower Appellate Court vide which, the sentence of the petitioner was upheld. However, three of the co-accused were released on probation on furnishing probation bonds in the sum of Rs.15,000/- with one surety in the like amount for keeping peace and good behaviour subject to payment of compensation of Rs.15,000/- each to the complainant-injured.

On 27.10.2017, counsel for the petitioner stated that he does not want to challenge the impugned judgments of conviction on merits and sought indulgence of this Court qua quantum of sentence awarded to the petitioner.

Learned counsel for the petitioner submits that as per custody certificate dated 25.04.2018, petitioner-Jaibir has already undergone 08 months and 02 days of actual sentence and 09 months and 02 days of total sentence including remission and is not involved in any other case. Counsel for the petitioner further submits that he is ready to pay compensation of Rs.30,000/- to the complainant/injured and being a first offender, the sentence awarded to the petitioner be reduced to already undergone by him. He further submits that the petitioner is the only bread earner of his family and he has no criminal record. The petitioner was on bail during the pendency of the trial as well as during the pendency of the first appeal and he has never misused the concession of bail before the Courts below. Counsel for the petitioner also submits that during the intervening period, the petitioner has improved his character and is not found involved in any other subsequent case.

Learned counsel for the complainant has submitted that the complainant/injured is ready to accept an amount of Rs.30,000/- as compensation.

After hearing counsel for the parties and considering the fact that the petitioner is the first offender and has faced the agony of the trial since 2008; has not misused the concession of bail/ suspension of sentence granted by the trial Court as well as Lower Appellate Court; has undergone 09 months and 02 days of total sentence, as per custody certificate; the petitioner is the only bread earner and has family to support, the present petition is partly allowed. The judgment of conviction dated 28.05.2014 passed by the trial Court and the judgment of Lower Appellate Court dated 13.09.2017 are upheld. However, the order of sentence dated 28.05.2014 is

modified to the extent that the sentence of 03 years of rigorous imprisonment awarded by the trial Court along with a fine of Rs.1,000/- is reduced to the sentence of 09 months and 02 days of total sentence undergone by the petitioner. This will be however, subject to handing over a demand drafts of Rs.15000/- in favour of the injured-Satbir Singh and of Rs.15,000/- in favour of the LRs of injured-Harish Chander, who has since died, within a period of 4 weeks from today, failing which this appeal shall deemed to be dismissed without any further order. The petitioner be released forthwith, if not, involved in any other case. The fine of Rs.1,000/- has already paid.

With the aforesaid modification, this petition is disposed of.

(ARVIND SINGH SANGWAN)  
JUDGE

25.04.2018  
Hemlata

Whether speaking/reasoned  
Whether reportable

Yes / No  
Yes / No