

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

223

CRR-1642-2008 (O&M)

DATE OF DECISION: 16.09.2019

AJAY KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Diwakar Jaiswal, Advocate for the petitioner(s).

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the trial Court and the Appellate Court, whereby he has been convicted under Sections 325 and 323/34 IPC and sentenced to undergo rigorous imprisonment for 1 year.

Learned counsel for the petitioner contends that he is not challenging the conviction of the petitioner and would confine his prayer to reduction in the sentence to the period already undergone by him. The petitioner has undergone over 2 months out of 1 year. The FIR is an outcome of a sudden fight between real brothers. The petitioner is alleged to have hurled a brick bat which hit the complainant on his nose. The other injuries on the person of the complainant are attributed to co-accused Piare Lal, who had been granted the benefit of probation under the Probation of Offenders Act, 1958. The petitioner is not involved in any other case. The injured has fully recovered and the petitioner and the

complainant are residing peacefully. The petitioner is facing protracted criminal proceedings since 2002.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone an actual sentence of 2 months and 1 day out of the total sentence of 1 year.

Heard.

The FIR is an outcome of a sudden fight between the real brothers. The injured has fully recovered and the petitioner and the complainant are residing peacefully. The petitioner has undergone sentence of over 2 months out of total sentence of 1 year and he is not involved in any other case. The petitioner is facing criminal proceedings since 2002. The ends of justice would be met in the event of his sentence being reduced to the period already undergone by him.

Therefore, while maintaining the conviction, his sentence is reduced to the period already undergone by him. The petitioner be released from custody in this case if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

16.09.2019.

SwarnjitS

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