

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

205

**CRR-2091-2008
DATE OF DECISION: 23.10.2019**

SANT LAL AND ORS.

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Anmol Prtap Singh, Advocate for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

Mr. Bhawna Grewal, Advocate for
Mr. S.K. Yadav, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the judgments and orders of the trial Court and the Appellate Court, whereby they have been convicted under Sections 323 and 325 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of 2 years along with fine of Rs.1500/- each, in default to further undergo rigorous imprisonment for a period of 30 days.

Learned counsel for the petitioners contends that the incident is outcome of a sudden altercation between the residents of the same village. The complainant and the injured have fully recovered from the injuries. The petitioners are facing protracted criminal proceedings for over 21 years. One of the co-accused namely Hari Singh had expired during the pendency of the trial. He also contends that they are ready to

reasonably compensate the complainant. He also contends that the

parties are residing amicably in the same village and there has been no untoward incident after the release of the petitioners upon suspension of their sentence.

Learned counsel also contends that he is not challenging the conviction of the petitioners and would confine his prayer to reduction in the sentence to the period already undergone by them. The petitioners have undergone sentence of more than 3 months out of the total sentence of 2 years.

Learned counsel for the complainant states that the complainant had himself suffered injuries and other injured was his son who had suffered one injury. She, upon instructions from the complainant who is present in Court, states that the complainant has no objection if the sentence of imprisonment of the petitioners is reduced to the period already undergone by them provided the petitioners compensate him as he had incurred considerable expenses in the treatment and had suffered mental trauma as well.

Learned State counsel has referred to the custody certificates dated 09.07.2019 which indicates that the petitioners have undergone an actual sentence of more than 3 months and 5 days out of the total sentence of 2 years.

Heard.

The FIR is outcome of a sudden altercation between the residents of the same village. The injured have fully recovered from the injuries. There has been no untoward incident after the date of the occurrence and the parties are residing amicably in the village. The

petitioners are facing protracted criminal proceedings for over 21 years. The ends of justice would be met in the event of their sentence being reduced to the period already undergone by them.

The petitioners shall pay a sum of Rs.1,25,000/- (total) to the complainant within a period of two weeks from now and shall send intimation in this regard to the Registrar of this Court.

Therefore, while maintaining the conviction, the sentence of imprisonment of the petitioners is reduced to the period already undergone by them.

With this modification, the petition stands disposed of.

In the event of the petitioners not making the payment of the aforesaid amount within prescribed period, it shall be open to the complainant to prefer an application.

(ANUPINDER SINGH GREWAL)
JUDGE

23.10.2019.

SwarnjitS

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