

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

210

CRR-2269-2008(O&M)

DATE OF DECISION: 12.09.2019

Chander Pal and another

... Petitioner(s)

Versus

State of Haryana

.. Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Namit Sharma, Advocate for the petitioners.
Mr. Saurabh Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the judgments of the Courts below whereby they have been convicted under Section 323/325 of IPC and sentenced to undergo rigorous imprisonment for a maximum period of one year.

Learned counsel for the petitioner contends that he is not challenging the conviction and would confine his prayer to the quantum of sentence which may be reduced to the period already undergone by the petitioners. The incident took place on 16.09.1997 and petitioners have been facing criminal proceedings for over 22 years. There is delay of 5 days in registering of the FIR. The occurrence is stated to have taken place at 8.30 P.M. on 16.09.1997 while FIR was registered on 20.09.1997. The injury for which offence under Section 325 IPC has been invoked is on the legs of the injured and other injuries were found to be simple in nature. The incident is outcome of a dispute between the residents of the same village. The injured have fully recovered from the injuries. The petitioners are poor persons and this petition has been preferred through Legal Services Authority.

Learned State counsel has filed the custody certificate which

indicates that the petitioners have undergone total sentence of 3 months and 19 days out of the total sentence of 1 year. He further states that after their release on bail on 20.12.2008, the petitioners have not been involved in any untoward incident.

Heard.

The incident is outcome of a dispute between the residents of the same village. The petitioners have been facing the agony of criminal proceedings for over 22 years. There is delay of 5 days in lodging the FIR. The injury for which offence under Section 325 IPC has been invoked is on the non vital part of the body and other injuries were found to be simple in nature. The injured have fully recovered from the injuries. The petitioners are poor persons and this petition has been preferred through Legal Services Authority. The petitioners have undergone total sentence of imprisonment of 3 months and 19 days out of the sentence of 1 year.

It would, therefore, be in the interest of justice, if the sentence of the petitioners is reduced to the period already undergone by them.

Consequently, while maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them. The petitioners be released from custody if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

12.09.2019
rakesh

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