

In the High Court of Punjab and Haryana at Chandigarh

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CRR-792-2008 (O & M)

Date of Decision: September 06, 2019

MUKHTIAR SINGH AND ORS.

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.P.S.Sidhu, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments of the Courts below whereby they have been convicted under Sections 326, 324, 323, 148 and 149 IPC and sentenced to undergo imprisonment for a maximum period of one year.

Learned counsel for the petitioners contends that the FIR is outcome of a sudden quarrel between residents of the same village in which only agricultural instruments were used. The injury for which Section 326 IPC was attracted is on the left leg of the injured, who has now fully recovered. He also contends that he is not challenging the conviction of the petitioners and would confine his prayer in this petition to the reduction in the quantum of sentence to the period already undergone. The petitioners are facing criminal proceedings for over two decades. He further contends that the petitioners after their release on bail on 03.06.2008, are not involved in any untoward incident and there is nothing adverse towards their conduct thereafter. Petitioners No.1

and 2 are over 70 years of age while petitioners No.3 and 4 are over 60 years of age and petitioner No.5 is over 50 years of age.

Learned State counsel has filed custody certificates of the petitioners, which indicate that the petitioners have undergone sentence of 03 months and 29 days out of the total sentence of one year.

Heard.

The incident is the outcome of a sudden fight between the residents of the same village. The injury for which Section 326 IPC was invoked is on the non-vital part of the body. The petitioners after their release on bail are not involved in any other case. The petitioners have undergone sentence of almost 4 months out of the sentence of one year. The petitioners are facing the agony of protracted criminal proceedings for over two decades.

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

Consequently, while maintaining the conviction, the sentence of the petitioners are reduced to the period already undergone by them.

With this modification, the petition stands disposed of.

The petitioners shall pay total sum of ₹25,000/- to the injured namely Sukhdev Singh within a month.

(ANUPINDER SINGH GREWAL)
JUDGE

September 06, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No