

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

238

CRR No.1213 of 2019 (O&M)

Date of decision : 02.07.2019

Bhira

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Raj Kapoor Malik, Advocate for the petitioner.

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

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted for the commission of an offence punishable under Sections 324 and 34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for a period of one year.

Learned counsel for the petitioner contends that the incident is an outcome of a sudden quarrel between the parties and it is alleged that the petitioner had caused injuries on the hands of the complainant with a sickle and he is also alleged to have injured another person but the injuries were found to be simple and superficial in nature. The petitioner is a vegetable hawker who is the sole bread winner of the family and is not involved in any other case. He also contends that the injured have fully recovered from their injuries. He also submits that he is not challenging the conviction and would confine his prayer to the reduction in the quantum of sentence to the period already undergone.

The petitioner is in custody for over 2 ½ months since his arrest on 18.04.2019.

Learned State counsel, however, states that the petitioner is involved in a serious case and therefore, the sentence should not be reduced as the Courts below have already taken a lenient view and have imposed a sentence of imprisonment for one year.

Heard.

It is manifest that the incident had taken place all of a sudden without any pre-meditation. The parties were not known to each other prior to the incident and the injuries which were caused to the injured have been found to be simple in nature and the injured have fully recovered therefrom. The petitioner is a vegetable hawker who is the sole bread winner of the family and is not involved in any other case. He has already undergone an actual sentence for 2 ½ months out of the total sentence of one year. It would be in the interest of justice if the sentence of the petitioner is reduced to the period already undergone. While maintaining his conviction under Sections 324/34 of the IPC, the sentence of the petitioner is reduced to the period already undergone and the petitioner be released from custody in this case, if not required in any other case.

With the above modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 02, 2019
sonia gugnani

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