

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

CRR No. 3199 of 2018 (O&M)

Date of decision: 16.09.2019.

Gurdev

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. D.S. Virk, Advocate, for the petitioner.

Mr. Kapil Aggarwal, Addl. A.G., Haryana, for the respondent.

Mr. Harkeerat S. Sangotha, Advocate, for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Sections 341, 324, 326 read with Section 34 of the Indian Penal Code, 1860, and has been sentenced to undergo rigorous imprisonment for three years.

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 petitioner. He contends that the incident is the outcome of a sudden quarrel between the relatives. The petitioner and injured Bhim Singh are first cousins. The injuries to Bhim Singh were attributed to co-accused Rajbir, who has died. No injury has been attributed to the petitioner. He also contends that injured Bhim Singh has fully recovered from the injuries. The injuries were on non-vital parts of his body. The parties are residing amicably. He further contends that the petitioner has already undergone sentence of imprisonment of one year and twenty-one days out of the total

sentence of three years.

Learned counsel for the complainant states that the matter has indeed been compromised between the parties and he has 'no objection' if the sentence of the petitioner is reduced to the period already undergone by him.

Learned State counsel has filed the custody certificate, which is taken on record. It indicates that the petitioner has undergone sentence of imprisonment of one year and twenty-one days out of the total sentence of three years.

Heard. The incident is the outcome of a sudden quarrel between the relatives. The petitioner and injured Bhim Singh are first cousins. The injuries to Bhim Singh were attributed to co-accused Rajbir, who has died. No injury has been attributed to the petitioner. Injured Bhim Singh has fully recovered from the injuries. The injuries were on non-vital parts of his body. The parties are residing amicably. The petitioner has already undergone sentence of imprisonment of one year and twenty-one days out of the total sentence of three years. It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

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

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

16.09.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No