

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR-484-2018 (O&M)

Date of Decision: March 29, 2019

Shri Bhagwan and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Bijender Dhankhar, Advocate,
for the petitioners.

Mr. Pradeep Prakash Chahar, DAG, Haryana

Mr. Surender Saini, Advocate,
for respondent No.2.

Ramendra Jain, J. (Oral)

Through instant revision, petitioners have laid challenge to judgment dated 28.06.2016 of the First Appellate Court, affirming the judgment of conviction dated 30.05.2016 and order of sentence dated 31.05.2016 of the trial Court holding guilty and sentencing them to undergo simple imprisonment for six months under Sections 323 and 325 read with 34 IPC.

Petitioners have filed CRM-9541 of 2019 for compounding offence, in pursuance of compromise deed by way of affidavit dated

01.02.2018 (Annexure P-1). Accordingly, permission to compound the offence is granted.

Learned counsel for the petitioners states that he is not challenging the conviction on merit. Petitioners are only aggrieved against the sentence part. However, he prays that the sentence of the petitioners be suitably reduced as this criminal trial is hanging on his head like a damocle's sword for about seven years and it should be a sufficient mitigating circumstance to treat them leniently. Counsel for the petitioners has further submitted that the FIR pertains to the year 2012 and since then a period of about seven years has elapsed. The petitioners have suffered ordeal for a long period.

In view of compromise between the parties, this Court is of the considered view that no useful purpose would be served by keeping the petitioners behind bars anymore, inasmuch as they faced ordeal for about 7 years. It is a fit case wherein sentence awarded to the petitioners under Sections 323 and 325 read with 34 IPC can be reduced to the period already undergone, subject to deposit of costs of Rs. 30,000/- (Rs.15,000/- each) with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Ordered accordingly.

The impugned judgments of conviction under Sections 323 and 325 read with 34 IPC stand affirmed with aforesaid modification. It goes without saying that if above costs are not deposited, the petitioners will serve the remaining part of sentence.

With the observations made above, present revision petition as well as application is disposed of, with a direction that the petitioners be

released, immediately, after deposit of the afore-said costs, if not required in any other case.

Adjourned to 06.05.2019 for producing the receipt of the afore-said costs.

March 29, 2019
vkd

(Ramendra Jain)
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No