

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

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CRR-1694-2019 (O&M)

DATE OF DECISION: 11.09.2019

BALBIR LAL

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mohd. Yousaf, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the trial Court and the Appellate Court, whereby he has been convicted under Sections 326, 324, 452, 506 read with Section 34 of IPC and sentenced to undergo rigorous imprisonment for three years.

Learned counsel for the petitioner contends that there is a delay of three days in registering the FIR and the MLR has been obtained from a private hospital. The complainant was not examined by a Government Doctor before offence under Section 326 IPC had been added. He further contends that offence under Section 326 IPC is not made out especially when the injury on the leg of the complainant has been caused by a blunt weapon. The injured has fully recovered from his injuries and the petitioner has already undergone an actual sentence of about 9 months against the total sentence of three years.

Learned counsel for the petitioner further submits that the FIR is an outcome of a sudden quarrel. The petitioner is 30 years of age and is a first offender. He is facing criminal proceedings for over 7 years and is not involved in any other case. He also submits that he is not challenging the conviction of the petitioner and would confine his prayer to reduction in the sentence to the period already undergone by him.

Learned State counsel has filed the custody certificate of the petitioner which indicates that the petitioner has undergone an actual sentence of 9 months and 22 days out of the total sentence of 3 years.

Heard.

The FIR is an outcome of a sudden quarrel. The petitioner is 30 years of age and is a first offender. He is facing criminal proceedings for over 7 years and is not involved in any other case. The injury attributed to the petitioner is on the leg of the complainant, who has fully recovered. He has undergone sentence of imprisonment of 9 months and 22 days. The ends of justice would be met in the event of his sentence being reduced to the period already undergone by him.

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

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

11.09.2019.

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No