

In the High Court of Punjab and Haryana at Chandigarh

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CRR-1714-2019 (O & M)

Date of Decision: September 13, 2019

BALWINDER SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. K.B. S. Mann, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments and the orders of the Courts below whereby they have been convicted under Sections 323 & 324 read with Section 34 IPC and sentenced to undergo simple imprisonment for a period of 1 year.

Learned counsel for the petitioners contends that the prosecution story with regard to the injury on the injured namely Jalaur Singh has been disbelieved by the Courts below. The injury on the complainant is on the non-vital parts of the body. The complainant has fully recovered from the injuries. The allegations are that the petitioners were armed with agricultural implements. Learned counsel further states that the FIR is an outcome of a sudden fight on account of the water turn while irrigating the fields. He also states that the petitioner No.1 is 47 years of age and petitioner No.2 is 50 years of age and they are not involved in any other case.

Learned State counsel has filed the custody certificate which is taken on record. It indicates that the petitioners have undergone total sentence of 02 months and 11 days out of one year.

Heard.

The petitioners had been convicted under Sections 323 & 324 read with Section 34 IPC and sentenced to undergo simple imprisonment for a period of 1 year by the trial Court. The FIR is an outcome of a sudden fight on account of the water turn while irrigating the fields. Petitioners are not involved in any other case. The conduct of the petitioners after the date of incident appears to be satisfactory. The petitioners have undergone sentence of 02 months and 11 days.

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

Consequently, while maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them. They shall be released from custody, if not required in any other case.

With this modification, the petition stands disposed of.

The petitioners shall deposit a total sum of ₹40,000/- within a month before the Member Secretary, District Legal Services Authority, Bathinda, who shall disburse the same to the injured namely Baljinder Singh.

(ANUPINDER SINGH GREWAL)
JUDGE

September 13, 2019

A.Kaundal

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