

In the High Court of Punjab and Haryana at Chandigarh

287

CRR-2044-2019 (O & M)

Date of Decision: November 13, 2019

**LASKAR SINGH@LAKHWINDER SINGH
AND ANOTHER**

.....PETITIONERS

VERSUS

THE STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. H. S. Rakhra, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments and orders of the Courts below whereby they have been convicted under Sections 382, 323, 511 and 34 IPC and sentenced to undergo rigorous imprisonment for a period of one year.

Learned counsel for the petitioners contends that the allegations against the petitioners are that they had tried to snatch the motorcycle of the complainant after putting chilli powder in his eyes. He also contends that the MLR of the complainant did not indicate any serious injury to the eyes of the complainant. Dr. Parminder Bansal, who was examined as PW-5, stated that there were no stains or marks of chilli powder on any part of the body of the complainant. He also contends that he is not challenging the conviction of the petitioners and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone by them. He also contends that petitioner No.1 is landless labourer while petitioner No.2 is also a poor person. The petitioners are the first offenders and they are in their 20's.

They have undergone sentence of about 05 months out of the total sentence of 01 year.

Learned State counsel has filed the custody certificates which indicate that petitioners have undergone total sentence of 04 months and 29 days out of the total sentence of one year.

Heard.

The petitioners had been convicted under Sections 382, 323, 511 and 34 IPC and sentenced to undergo rigorous imprisonment for a period of one year. The petitioners are alleged to have only tried to snatch the motorcycle of the complainant by putting chilli powder in his eyes. The medical evidence does not indicate any serious injury to the complainant. The petitioners are first offenders and facing the agony of protracted criminal proceedings for over 06 years. They are in their 20's and not involved in any other case. The petitioners have undergone sentence of 4 months and 29 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 be released forthwith, if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 13, 2019
A.Kaundal

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