

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

**CRR No.1337 of 2019 (O&M)
Date of decision : 23.08.2022**

Isrile and others

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Chanderhas Yadav, Advocate
for the petitioners.

Mr. R.K. Ambavta, Asstt. Advocate General, Haryana
for the respondent/State.

PANKAJ JAIN, J. (ORAL)

The petitioners are in revision. Challenge has been laid to the judgments and orders of the Courts below whereby the petitioners have been convicted for the offences punishable under Sections 148, 323, 324 read with Section 149 of the Indian Penal Code, 1860 (hereinafter referred to as 'the IPC') and all of them have been sentenced to undergo rigorous imprisonment for a period of three months for offence punishable under Section 148 IPC, rigorous imprisonment for a period of three months for offence punishable under Section 323 read with Section 149 IPC and rigorous imprisonment for a period of 6 months for the offence punishable under Section 324 read with Section 149 IPC.

2. The details of the period of custody undergone by the petitioners are tabulated hereunder :-

Sr. No.	Name of the petitioner/age	Actual custody period undergone
1	Isrile, 72 years	14 days
2	Fateh Mohammad, 76 years	11 days
3	Nijjar Mohammad, 64 years	11 days
4	Warish, 35 years	03 months, 22 days
5	Sakir, 37 years	03 months, 22 days
6	Khalil, 41 years	03 months, 22 days
7	Tahir, 47 years	03 months, 22 days
8	Umar Mohammad, 72 years	11 days
9	Tofik, 37 years	03 months, 22 days
10	Sahida, 75 years	11 days

3. Ld. Counsel for the petitioners at the outset submits that five of the petitioners are around 70 years of age and, thus, he prays that the sentence awarded to the petitioners be reduced to already undergone.

4. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

5. A bare perusal of the FIR would show that it is outcome of a sudden fight between the parties. It is also a matter of record that the parties were involved in a civil litigation over possession of a plot. FIR was registered on 4th of May, 2011 whereas occurrence is stated to be of 30th of April, 2011. Sentence of all the petitioners was suspended by this Court vide order dated 29th of May, 2019 and 10th of September, 2019. It is also not disputed that all the petitioners are first time offender and there is no other case pending against any of them.

6. Keeping in view the long protracted trial faced by the

petitioners, five of whom are more than 70 years of age and the fact that many of them have already undergone more than three months of custody out of the sentence of six months, the present revision petition is disposed off with the modification of the sentence to the period already undergone.

7. Resultantly, conviction of the petitioners is upheld. The sentence awarded by the lower Courts is modified to the rigorous imprisonment already undergone by the petitioners.

8. Ordered accordingly.

August 23, 2022

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No