

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

I. CRA-S-1431-SB-2014 (O&M)
Date of decision: 31.05.2023

Ambo and others

....Appellants

Versus

State of Punjab

...Respondent

II. CRA-S-1448-SB-2014 (O&M)

Gurdip Kaur and others

....Appellants

Versus

State of Punjab

...Respondent

III. CRA-S-1450-SB-2014 (O&M)

Dalip Singh & another

....Appellants

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. PC Chaudhary, Advocate for the appellants

Mr. H.S. Sullar, Sr. DAG Punjab

Mr.HPS Ghuman, Advocate for the injured-complainant

AMAN CHAUDHARY. J.

1. This common order shall dispose of the above-mentioned criminal appeals, as they arise out of the same impugned judgment dated 20.03.2014.
2. The present appeals have been preferred against the impugned judgment dated 20.03.2014 passed by learned Additional Sessions Judge, Patiala, vide which the accused-appellants were convicted and sentenced as under:

Accused-Sakattar Singh

u/s	punishment	fine	default sentence
148 IPC	R.I. for two years	₹ 1000/- (₹ one thousand only)	R.I. for 2 months
325 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
325/149 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
323 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month
323/149 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month
506/149 IPC	R.I. for one year	₹ 500/- (₹ five hundred only)	R.I. for 2 months

Accused: Prem Singh, Gurdip Kaur and Mohan Singh

u/s	punishment	fine	default sentence
148 IPC	R.I. for two years	₹ 1000/- (₹ one thousand only)	R.I. for 2 months
325/149 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
323/149 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month
323 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month

506/149 IPC	R.I. for one year	₹ 500/- (₹ five hundred only)	R.I. for 2 months
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Accused: Dalip Singh, Dhapa @ Langra, Gori @ Amrinder Singh, Madda @ Baljinder Singh and Ambo

u/s	punishment	fine	default sentence
148 IPC	R.I. for two years	₹ 1000/- (₹ one thousand only)	R.I. for 2 months
325/149 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
323/149 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month
506/149 IPC	R.I. for one year	₹ 500/- (₹ five hundred only)	R.I. for 2 months

Accused-Billa

u/s	punishment	fine	default sentence
148 IPC	R.I. for two years	₹ 1000/- (₹ one thousand only)	R.I. for 2 months
325 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
325/149 IPC	R.I. for two years	₹ 2000/- (₹ two thousands only)	R.I. for 2 months
323/149 IPC	R.I. for 6 months	₹ 500/- (₹ five hundred only)	R.I. for 1 month
506/149 IPC	R.I. for one year	₹ 500/- (₹ five hundred only)	R.I. for 2 months

3. Briefly put, the facts of the case are that complainant-Gian Singh made a statement that on 28.12.2009, at about 11.00 a.m., he along with Lakhwinder Singh, Jarnail Singh, Buta Singh had gone to the fields to cultivate with the help of tractor, in the meantime, Mohan Singh, armed with gandasi, Prem

Singh, Dalip Singh, Billa, Madda armed with dangs, Dhapar @ Langra armed with Kirpan, Gori, armed with dang, Satta Singh armed with Barchhi, Sakattar Singh armed with dang, Gurdeep Kaur Giano and Ambo opened attack and gave blows with their respective weapons to them. During the scuffle, they received injuries. cross-version under Sections 323, 325, 506, 148, 149 IPC were registered in FIR No. 275 dated 28.12.2009 under Sections 307, 324, 323, 148, 149, 506 IPC and Sections 25 and 27 of Arms Act. After investigation, final report was presented in the Court. Charges were framed against them to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined as many as 10 prosecution witnesses. On closure of prosecution evidence, statements of the accused-appellants under Section 313 CrPC were recorded and all the incriminating circumstances appearing in the prosecution evidence were put to them. However, they denied the same and pleaded innocence and false implication. In defence no witness was examined by them.

5. On analysing the evidence led by the parties, the learned Additional Sessions Judge convicted and sentenced the accused-appellants as noticed above.

6. Hence the present appeal.

7. Learned counsel for the appellants submits that he does not challenge the conviction but confines his prayer to the quantum of sentence only. The appellants are poor persons; bread winners of their respective families; facing the vagaries of trial for the last 14 years and both the parties are residing in the same village and now with the efforts of respectables of the society, the matter stands compromised between them, thus, he prays for reducing the sentence of the

appellants.

8. Learned counsel for the complainant-injured affirms the factum of compromise and submits that he has no objection, if the prayer made by the appellants is accepted.

9. On the other hand, learned State counsel submits that the learned trial Court, after appreciating every aspect of the matter, has rightly convicted and sentenced the appellants, therefore, he prays for the dismissal of the present appeals.

10. Heard and perused the material on record.

11. The appellants have given up challenge to the conviction and have prayed for reduction of their sentence to the period already undergone, in view of the mitigating circumstances. Still having perused the judgment of the trial Court, the evidence was thoroughly examined therein and it was held that the medical evidence corroborates with oral evidence qua infliction of injuries. Accordingly, the trial Court after having scrutinized the evidence on record has rightly convicted the appellants and there is no scope for interference in the findings recorded by it. As such, the conviction of the appellants is affirmed.

12. Regarding the prayer of the learned counsel for the appellants that in view of the aforestated mitigating circumstances, the sentence of the appellants may be reduced to the period already undergone, it is apposite to make a reference to the judgment of Three Judge Bench in the case of **Surendra Nath Mohanty vs. State of Orissa**, (1999) 5 SCC 238, the accused were convicted under Sections 307, 326, 325, 324 and 323 read with Section 34 IPC and sentenced to undergo RI for five years, Hon'ble The Supreme Court reduced the sentence to the period

already undergone by them i.e. three months, keeping in view the facts that the matter stands settled between the parties out of the Court and 10 years had elapsed after the incident.

13. In **Guman Kutrya Pawara vs. State of Maharashtra**, 2006 SCC OnLine Bom 1357, the accused were convicted and sentenced under Sections 325, 436, 337, 147, 148 read with Section 149 IPC, Bombay High Court by following the law laid down by Hon'ble The Supreme Court in **Surendra Nath Mohanty** (supra), reduced to their sentence to the period already undergone by them on the ground that the matter stands settled between the parties and 10 years have passed away to the incident.

14. It is settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. Keeping in view the peculiar facts and circumstances of the case particularly, the parties are the residents of the same village; the matter stands settled between them with the intervention of well-wishers the parties who are from the same locality have reconciled their differences to preserve amity and good relations; the appellants are the poor farmer and sole breadwinners of their respective families; and incident of the year 2009; this Court finds that the ends of justice would be adequately met if the sentence of the appellants is ordered to be reduced to the period already undergone by them.

16. Accordingly, while upholding the conviction of the appellants, their sentence is ordered to be reduced to the period already undergone by them. However, the fine shall remain intact.

17. With the above modification in the order of sentence dated

20.03.2014 passed by learned Additional Sessions Judge, Patiala, as noted above,
the criminal appeals are partly allowed.

18. A photocopy of this order be placed on the files of connected cases.

(AMAN CHAUDHARY)
JUDGE

31.05.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No