

(340)

2023:PHHC:074443

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

CRR No.2509 of 2011

Date of Decision: May 22, 2023

Mahinder Singh and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

The four petitioners were tried by the Court of learned Judicial Magistrate Ist Class, Patti, in a case arising out of FIR No.31 dated 29.06.2008 registered at Police Station Khemkaran and vide judgment dated 16.10.2010, they were convicted under Sections 323 IPC and 325/34 IPC.

2. Vide separate order dated 16.10.2010, petitioner Harjit was sentenced to undergo RI for a period of two years and to pay a fine of ₹500/- with default sentence for committing the offence under Section 325 IPC; and RI for three months for committing the offence under Section 323/34 IPC. Both the sentences were directed to run concurrently. The remaining three petitioners, Mahinder Singh, Sonu and Ganju were sentenced to undergo imprisonment for a period of three months for committing the offence under Section 323 IPC whereas all three of them were sentenced to undergo RI for a period of two years and to pay a fine of ₹500/- with default sentence, for committing the offence under Section 325/34 IPC.

3. All four of them filed appeal against the afore-said judgment of conviction and order of sentence. However, that appeal was dismissed by learned Additional Sessions Judge, Tarn Taran vide judgment dated 28.09.2011.

4. Against the aforesaid concurrent finding of the conviction given by the Courts below, this revision has been filed by the petitioners.

5. Before this Court, learned counsel for the petitioners has made a statement withdrawing the petition against conviction. The limited prayer made by learned counsel is to modify the order of sentence and to sentence the petitioner for the period already undergone by them.

6. Learned State Counsel has no objection to accept the said prayer.

7. Perusal of the record reveals that occurrence had taken place on 31.05.2008 i.e. about 15 years back. The injured – complainant- Kulwant Singh is the real brother of petitioner – Mahinder Singh. The occurrence took place due to a dispute relating to the demarcation of the land in which injuries were caused to the complainant Kulwant Singh. All the four petitioners have already undergone total custody of 04 months and 13 days each as per the custody certificates available on record.

8. Having regard to the relationship between the parties, the fact that occurrence took place about 15 years back and the nature of injuries on the person of complainant, this Court is of the view that the period of sentence already undergone by the petitioners is sufficient to meet the ends of justice. No purpose shall be served by sending the petitioners behind the bars, as their remaining sentence was suspended

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wayback on 13.02.2012 and as per the custody certificates, they do not
have any criminal antecedents.

9. Accordingly, the impugned order of sentence passed by the
Courts below is hereby modified and the four petitioners are hereby
sentenced to the imprisonment for the period already undergone by them.

10. Disposed of.

May 22, 2023	(DEEPAK GUPTA)
renu	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No