

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

CRR No.2338 of 2019

Date of Decision: March 09, 2023

**Davinder Singh
Versus
State of Punjab**

**...Petitioner
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ranjan Lakhanpal, Advocate for the petitioner.
Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Petitioner and two others were tried by the Court of learned Chief Judicial Magistrate, Rupnagar in a case arising out of FIR No.141 dated 24.09.2011 registered at Police Station City Rupnagar under Sections 326, 506, 34 IPC. During trial, one of the accused Harpreet Singh died due to which proceedings qua him were abated. The two other accused i.e. petitioner and Amninder Singh were convicted. Conviction of the petitioner was recorded under Sections 326 and 506/34 IPC. Petitioner was sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of ₹20,000/-. Fine was paid. Against this judgment of conviction dated 26.09.2018, he went in appeal but the same was dismissed by learned Sessions Judge, Rupnagar vide judgment dated 29.08.2019.

Before this Court, it is stated by learned counsel for the petitioner that he withdraws the petition against conviction. However, prayer is made to consider the petition only against quantum of sentence. Further prayer is made to sentence the petitioner for the period already undergone by him.

It is noticed that the only injury attributed to the petitioner is that he inflicted sword blow which hit the arm of the complainant, i.e. not on the vital part of the body. Apart from this, custody certificate placed on record by learned State Counsel, reveals that petitioner has already undergone actual sentence of 09 months and 08 days.

Having regard to the body part on which the injury was inflicted to the complainant, this Court is of the considered view that the period of custody already undergone by the petitioner shall be sufficient to meet the ends of justice. Therefore, impugned orders of sentence passed by the Courts below are modified to the extent of reducing the same to the period already undergone by him.

Disposed of.

March 09, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No