

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

1. CRR No.1160 of 2015

Jagbir Singh

... Petitioner

Versus

State of Haryana

... Respondent

2. CRR No.2357 of 2015

Rohtash

... Petitioner

Versus

State of Haryana & others

... Respondents

Date of decision: 27th January, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Reetesh Kumar and Mr. Sauhard Singh, Advocates
for the accused (petitioner in CRR-1160-2015).

Mr. Surender Singh, Asst. Advocate General, Haryana
for the respondent/State.

Mr. Gaurav Tyagi, Advocate for
Mr. S.S. Kharb, Advocate
for the complainant (petitioner in CRR-2357-2015).

MANJARI NEHRU KAUL, J.

Accused Jagbir Singh (petitioner in CRR-1160-2015) has
challenged the order dated 12.03.2015 passed by learned Addl.
Sessions Judge, Jind whereby the appeal preferred by him against the
judgment of conviction dated 09.01.2012 and order of sentence dated
10.01.2012 passed by learned Sub Divisional Judicial Magistrate,

Narwana, was dismissed. Similarly, complainant victim Rohtash (petitioner in CRR-2357-2015), while challenging the aforesaid judgments of conviction and orders of sentence, has sought enhancement of the sentence awarded to accused Jagbir Singh and his co-accused Satish, with a further prayer seeking compensation.

Since both the above said petitions have originated from the same judgment of conviction and order of sentence, coupled with the fact that the same parties are involved in the two cases, both of them are being taken up together for disposal by way of this common judgment.

Vide judgment dated 09.01.2012, learned Sub Divisional Judicial Magistrate, Narwana, convicted and sentenced the accused Jagbir Singh and Satish to undergo rigorous imprisonment for three years and to pay a fine of ₹ 5,000/- each for commission of offence punishable under Section 326/34 IPC and in default of payment of fine or a part thereof to undergo further imprisonment for six months.

The case as set up by the prosecution was that accused Satish and Jagbir, who were cousins of the complainant, encroached upon a part of their agricultural land where Shisham and Mulberry trees had been planted. On 06.11.2006 around 8:00 a.m. when the complainant was going for a morning walk, he saw that accused were scuffling with his brother. Accused Satish was armed with pistol, Jagbir

armed with Gandasa, Rajni armed with Gandasa and Monika armed with Danda chased the complainant. In the brawl that ensued, he received multiple injuries on various parts of his body and fell unconscious. Later on, he was got admitted to the hospital, where after regaining consciousness, he made a statement to the police.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments.

Learned counsel for the accused petitioner Jagbir Singh has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2006 and the accused has thus, suffered the agony of a protracted trial for more than 16 years now. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and has not been involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending him behind bars. The custody certificate, which has been filed by the

State counsel today in Court, does not reflect the involvement of the accused petitioner in any other criminal case.

Learned counsel appearing on behalf of the complainant Rohtash, does not oppose the prayer made by the counsel opposite and has submitted that he will not press the petition filed by the complainant (CRR-2357-2015) and he be permitted to withdraw the same. However, he has prayed that adequate compensation be granted to the complainant.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for both the sides, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the accused/petitioner his substantive sentence of three years is reduced to the period already undergone by him in the present case.

However, keeping in view the submissions made by learned counsel for the complainant, the accused petitioner Jagbir Singh is hereby directed to pay compensation in the sum of ₹ 2.00 lacs. It is made clear that in case of non-deposit of compensation with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the

accused/petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of the compensation amount, the same shall be disbursed to the complainant/victim on proper identification.

With these modifications, CRR-1160-2015 filed by the accused stands disposed of, and CRR-2357-2015 moved on behalf of the complainant is dismissed as withdrawn, as prayed.

(MANJARI NEHRU KAUL)
JUDGE

January 27, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No