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

CRR-1505-2024

Decided on : 13.08.2024

Jaibir @ Jai Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amardeep Singh Sheoran, Advocate
for the petitioners.

Mr. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. The petitioners are challenging the judgement dated 31.07.2024 passed by Addl. Sessions Judge, Bhiwani vide which their appeal against the judgement of conviction and order of sentence dated 17.04.2018 passed by learned Sub Divisional Judicial Magistrate, Loharu, Bhiwani whereby petitioners were held guilty under Sections 323, 325, 341, 452 and 506 r/w 34 IPC and sentenced to undergo simple imprisonment for a period of two years along with fine.

2. The case of the prosecution in brief may be summed up as follows: on 11.04.2014, Shakuntla (hereinafter referred to as 'complainant') lodged a complaint regarding an incident that took place on 09.04.2014, around 7.00 am. The complainant alleged that



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while she was at home, her brother-in-law, petitioner No.2 Jaipal, who resides next door, entered her house after consuming alcohol. When confronted, he indulged in abusive language. The complainant then called petitioner - Jaipal's son Mintu, asking him to take his father away. Mintu, accompanied by Manju, Dhanpati, Sunita, petitioner No.1- Jaibir and Gulia arrived at the scene and attacked her. Petitioner – Jaipal was armed with lathi while Mintu, while wielding a sickle, struck her on the head, hand and fingers, causing serious injuries. Jaipal also inflicted blows on the elbow and feet of the complainant. Dhanpati and Manju held her down, while Jaibir incited the others to kill her so as to resolve the dispute with her permanently. Sunita and Gulia then assaulted her with fists and slaps. The son of the complainant, who is mentally challenged, was unable to defend her. As blood poured from her head and hand, she lost her consciousness. Believing her to be dead, the accused fled the scene. After regaining consciousness, the complainant managed to contact her daughter with the help of her son. Her daughter, along with her son-in-law and other family members, took her to the General Hospital at Bhiwani. Later, complainant revealed that the assault was motivated by an ongoing land dispute with Jaibir. Pursuant to the investigation, the accused petitioners were arrested, challaned and put to trial. The prosecution, in support of its case, examined five witnesses including the complainant.



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3. During trial, the petitioners when examined under Section 313 Cr.PC, denied all the allegations and incriminating evidence against them, by asserting their innocence and claiming false implication.

4. The Trial Court on the basis of evidence led and other material on record, convicted the petitioners under Sections 323, 325, 341, 452 and 506 r/w 34 IPC and sentenced them on 17.04.2018. The appeal preferred to impugn their conviction was also dismissed by the Appellate Court on 31.07.2024.

5. Learned counsel for the petitioners, at the outset, has fairly acknowledged that, given the concurrent findings of facts recorded by both by the trial Court and the Appellate Court, the petitioners do not wish to press the instant petition on its merits. Instead, learned counsel for the petitioners has limited his prayer seeking a reduction in the quantum of sentence. Learned counsel has argued that the incident dates back to the year 2014, and the petitioners have endured nearly a decade of prolonged criminal proceedings. Moreover, learned counsel for the petitioners has emphasised that the petitioners have led a disciplined and law-abiding life since the occurrence in question and have not been involved in any other criminal activity.

6. In the light of above, learned counsel for the petitioners has prayed for a lenient view and for reduction in the sentence imposed by the trial Court to the period already served by the petitioners. Learned counsel has contended that sending the petitioners back to the prison



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after such a long period would serve no meaningful purpose. It has also been submitted that the petitioners are willing to compensate the complainant adequately.

7. Learned State counsel has not disputed that since the occurrence in question took place in the year 2014, the petitioners have maintained a good conduct and have not been involved in any other criminal activities. Learned State counsel has also placed on record the custody certificate of the petitioner Jaibir. The said custody certificate also confirm that the petitioner has no criminal cases pending against him.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. Given that the occurrence in question dates back in the year 2014, and it is undisputed by the State counsel that the petitioners have since maintained a law-abiding life and have not been involved in any other criminal activities, this Court finds it inappropriate to incarcerate them at this stage, especially considering their significant liabilities.

10. In the interest of justice, this Court, therefore, deems it appropriate to maintain the conviction of the petitioners while reducing the substantive sentence of two years under Sections 323, 325, 341, 452 and 506 r/w 34 IPC to the period of three months, subject to payment of Rs.30,000/- each, as compensation to be given to the complainant within two months from today. It is made clear that in case



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of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, the benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of fine, the enhanced amount of fine shall be disbursed to the complainant on proper identification.

With these modifications, the instant revision petition stands disposed of.

13.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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