

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3179 of 2019 (O&M)
Date of Decision:20.03.2024

Sukhdev Singh
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bhupinder Banga, Advocate for the petitioner.

Mr. G.P.S. Bhullar, AAG, Punjab.

Mr. C.M. Munjal, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

In Criminal Case bearing No.38 dated 05.06.2023, arising out of FIR No.65 dated 11.04.2023, registered at Police Station Dharamkot, petitioner – Sukhdev Singh was convicted by the Court of learned Additional Chief Judicial Magistrate, Moga vide judgment dated 29.03.2016 under Sections 326 and 324 IPC. Vide separate order of the even date, he was sentenced as under:-

Section	R.I	Fine	In default
326 IPC	2 Years	₹2,000/-	Two Months' Sentence
324 IPC	1 Year	₹1,000/-	One Month's Sentence

Against the afore-said judgment of conviction and order of sentence, petitioner filed appeal before the Court of Sessions. That appeal titled as Sukhdev Singh Vs. State of Punjab bearing CIS No.CRA/127/2016, was dismissed by the Court of learned Additional Sessions Judge, Moga vide judgment dated 04.11.2019.

Against the afore-said concurrent finding of conviction and sentence, petitioner approached this Court by filing the present revision petition.

Before this Court, today statement is made by learned counsel for the petitioner so as to withdraw this revision petition against the impugned judgment of conviction. Learned counsel has confined his prayer against the order of sentence only. Learned counsel contends that occurrence had taken place way back in April, 2013 i.e. about 11 years back; that the parties are real brothers; that petitioner has already undergone custody period of more than five months and that he is ready to compensate the injured. Learned counsel also drawn attention towards the injury statement in order to contend that only grievous injury caused to the complainant was on the arm, i.e. non-vital part of the body.

Learned counsel for the complainant has opposed the prayer by submitting that grievous injury was caused to young person and that the trial Court has already taken a lenient view by awarding sentence of two years rigorous imprisonment only which has been upheld by the Appellate Court. He prayed for dismissal of the petition.

I have considered the submissions of both the sides and perused the paper book.

It is revealed that occurrence had taken place on 02.04.2013 i.e. approximately 11 years back. Petitioner - Sukhdev Singh is the real paternal uncle of injured Nirmolak Singh. Petitioner is attributed to have given injuries to said Nirmolak Singh with a Kapa. The injury statement as reflected in the impugned judgment would reveal that though as many as five injuries were found on the person of Nirmolak but four of the injuries were in the form of either

contusions or abrasions. Only Injury No.1 was caused by a sharp weapon on the right wrist joint on the medial aspect which was found to be grievous in nature and it is this injury which attracted Section 326 IPC. Thus, the injury in question was caused on the non-vital part of the injured – Namlok.

The custody certificate as placed on record by learned State Counsel would also reveal that the petitioner has already undergone custody period of 05 months and 14 days which includes the actual custody period of 04 months and 02 days.

Looking into all the facts and circumstances of the case, as have been noted above, though the present petition against the impugned judgment of conviction is hereby dismissed as withdrawn but the impugned order of sentence as passed by the Trial Court, as affirmed by the Appellate Court, is hereby modified to the extent that the petitioner is sentenced to undergo imprisonment for the period already undergone by him. At the same time, petitioner is also directed to pay compensation amount of ₹1 lakh to the injured Nirmolak Singh. Said compensation is required to be paid by the petitioner within a period of 15 days from today. The said compensation shall be deposited by the petitioner with the trial Court concerned. Upon deposit of the said compensation amount, the trial Court shall serve notice to the complainant – injured Nirmolak Singh and will pay the compensation amount to him. It is made clear that this compensation amount is apart from the fine as imposed by the trial Court. It is further made clear that in case petitioner fails to make compliance of the present order, i.e. he fails to deposit the compensation amount within a period of 15 days before the trial Court

concerned, the present revision shall be deemed to have been dismissed even qua
the order of sentence.

Disposed of accordingly.

March 20, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No