



IN THE HIGH COURT OF PUNJAB & HARYANA
T CHANDIGARH

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CRR-1479-2006 (O&M)
Date of decision: September 2nd, 2025

Parkash and others
.....Petitioners
Versus

The State of Haryana
....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mehak Sawhney, *Amicus Curiae*
for the petitioners.

Mr. G.S. Chhina, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.

Petitioners are challenging the judgment dated 17.07.2006 passed by learned Additional Sessions Judge, Rewari, whereby the appeal preferred by them against the judgment of conviction dated 20.09.2001 and order of sentence dated 24.09.2001 passed by learned Chief Judicial Magistrate, Rewari, in FIR No.195 dated 27.07.1990 under Sections 308/307/148/149/325/323 of the IPC registered at Police Station Jatusana, vide which the petitioners were convicted and sentenced as follows, was partly allowed by setting aside their conviction and sentence awarded to them for committing offence under Section 324 of the IPC read with Section 149 of the IPC:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
325/149 of the IPC	RI for 2 years	₹2,000/-	3 months
324/149 of the IPC	RI for 2 years	-	-

323/149 of the IPC	RI for 1 year	-	-
148 of the IPC	RI for 1 year	-	-

2. All the sentences were ordered to be run concurrently.

3. At the outset, learned State counsel, on instructions, submits that since appellants No.1, 2, 4 and 5-Parkash, Ishwar, Indraj and Sheo Chand respectively, have expired, the instant petition shall abate qua them and be disposed of as such.

4. In the circumstances, the instant petition is disposed of qua petitioners No.1, 2, 4 and 5-Parkash, Ishwar, Indraj and Sheo Chand respectively, as abated.

5. Learned *Amicus Curiae*, *inter alia*, contends that learned trial Court as well as the Appellate Court have failed to appreciate that petitioner No.3-Lila Ram and petitioner No.7-Devender have not been attributed any specific injury. She further submits that petitioner No.6-Satpal has been attributed *lathi* blows on the left arm of the injured, which is non-vital part of the body. It has been further submitted that there has been a delay of around 14 hours in the registration of the FIR.

6. *Per contra*, learned State counsel has opposed the prayer made by the learned *amicus curiae*. He submits that petitioners No.3, 6 and 7 were part of the unlawful assembly and with common intention, have caused injuries to the injured. Learned State counsel has, therefore, prayed for dismissal of the instant petition.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Both the Courts below have returned concurrent findings of guilt, which are borne out from the evidence on record and do not suffer

from any illegality, irregularity or perversity. Hence, the conviction of the petitioners is affirmed. The only question that survives for consideration is that of sentence. It is undisputed fact that the FIR in question was registered in the year 1990. During this entire period, the petitioners have faced the ordeal of protracted criminal proceedings. It is also not disputed that they have not been involved in any other criminal case either prior to or after the occurrence, and have maintained good conduct. The petitioners have already undergone 1 month and 20 days of incarceration.

9. Having regard to the aforesaid circumstances, including the long passage of time since the incident, the clean antecedents of the petitioners, and the period of imprisonment already undergone, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive sentence to the period already undergone while enhancing the quantum of fine.

10. Accordingly, while upholding the conviction of the petitioners, the substantive sentence of two years rigorous imprisonment awarded to them is hereby reduced to the period already undergone.

11. However, the fine imposed upon the petitioners is enhanced from ₹2,000/- to ₹5,000/- each under Section 325/149 of the IPC, which shall be deposited in the “Punjab Chief Minister Relief Fund, A/c No. 001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank”.

12. It is made clear that in the event of failure on the part of the petitioners to deposit the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to them, and they shall be required to undergo the remaining part of the

sentence awarded by the Courts below.

13. With the aforesaid modifications, the revision petition stands disposed of.

September 2nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No