

(2011) 11 P&H CK 0210

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 57096 of 2011 in Criminal Appeal No. 1802-SB of 2010

Dharam Pal and another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 307

Citation : (2011) 11 P&H CK 0210

Hon'ble Judges : Rajive Bhalla, J;Naresh Kumar Sanghi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Prayer in this application is for suspension of sentence.
2. Counsel for the applicant-appellant no.1 submits that the incident that has led to the sentence and conviction, of appellant No.1, u/s 307 of the Indian Penal Code, was the result of a free fight between the parties. Though, the other party has been acquitted, the appellants have filed an appeal against their acquittal. The appeal has been admitted and is pending adjudication. As the applicant-appellant no.1 has already undergone 1 year and 7 months of substantive imprisonment out of total of seven years, the sentence imposed upon the appellant No.1-Dharam Pal, may be suspended.
3. Counsel for the State of Haryana and counsel for the complainant submit that as the appellant is the main accused and has inflicted a jelli blow, on the forehead of Hazoor Singh, that answers to an offence punishable u/s 307 of the Indian Penal Code, the application should be dismissed.
4. We have heard counsel for the parties, perused the judgment and are satisfied that the totality of the circumstances, of this case, and the fact that the appellant No.1 Dharam Pal has already undergone 1 year and 7 months of actual imprisonment, the sentence imposed upon the appellant No.1-Dharam Pal son of

Hari Nand, resident of Village Garhpur Khalsa, District Karnal, shall remain suspended during pendency of appeal, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Karnal.