

Dharam Pal and another Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 8, 2011

Acts Referred: Penal Code, 1860 (IPC) " Section 307

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.