

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).8009/2009

(From the judgement and order dated 07/07/2009 in CRLA No. 327/1998 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARI SINGH & ORS. Petitioner(s)

VERSUS

STATE OF HARYANA Respondent(s)

(With appln(s) for bail and office report)

Date: 05/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Naresh Kaushik, Adv.  
Mr. Rupesh Kaushik, Adv.  
Mr. Ashish Bhardwaj, Adv.  
Mrs Lalita Kaushik, Adv.

For Respondent(s) Mr. Suresh Kumar Antil, Adv.  
Ms. Naresh Bakshi, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of with the modification in the impugned judgment and order in terms of the signed order.

The appellants are in jail. They are directed to be released forthwith if not required in connection with any other case.

(Indu Satiya) (Ajay Kr. Jain)  
Court Master AR-cum-PS

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 689 OF 2010  
(Arising out of SLP(Crl.) No. 8009 of 2009)

Hari Singh & Ors. .... Appellants

Versus

State of Haryana .... Respondent

O R D E R

Heard learned counsel for the parties.

Leave granted.

This appeal is directed against the impugned judgment and order dated 07.07.2009 of the Division Bench of the High Court of Punjab & Haryana whereby the appellants' appeal has been dismissed and their conviction and sentence under Section 302 IPC read with Section 149 IPC and Sections 325, 324 and 323 IPC read with Section 149 IPC, passed by the Addl. Sessions Judge, Sirsa, has been upheld.

Facts in detail have been mentioned in the impugned judgment and order as also in the judgment of the Trial Court. Hence, we are not repeating the same here.

From the evidence on record, it appears that the incident happened in the heat of the moment and that both the parties were inimically disposed towards each other on account of a dispute regarding a water course.

Having regard to the abovementioned facts of the case, we think that the appellants are guilty of offence under Section 304 Part-II IPC. Accordingly, we convert the conviction of the appellants from one under Section 302 to Section 304 Part-II. However, their conviction under Section 149 is maintained. The conviction of the appellants under Sections 325, 324 and 323 IPC read with Section 149 IPC is also maintained.

We are informed that each of the appellant has undergone about 6 years of sentence. Hence, while converting the conviction of the appellants from one under Section 302 to Section 304 Part-II, we reduce their sentence to the period already undergone by each one of them.

With the above modification in the impugned judgment and order, the appeal stands disposed of.

The appellants are in jail. They are directed to be released forthwith if not required in connection with any other case.

.....J.  
(MARKANDEY KATJU)

.....J.  
(A.K. PATNAIK)

NEW DELHI;  
APRIL 05, 2010