

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).3992/2011

(From the judgement and order dated 08/03/2010 in CRLR No.339/2003,  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUKHDEV SINGH @ SUKHA & ANR. Petitioner(s)

VERSUS

STATE OF PUNJAB Respondent(s)

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

Date: 05/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Pardeep Gupta, Adv.  
Mr. Parinav Gupta, Adv.  
Mr. Kunal Juneja, Adv.  
Mr. Dinesh Kothari, Adv.  
Mr. Debasis Misra, Adv.

For Respondent(s) Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Kuldip Singh, Adv.

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

Leave granted.

This appeal is allowed to the extent indicated in  
the signed order and disposed of.

(DEEPAK MANSUKHANI) (M.S. NEGI)  
Court Master Court Master  
(The signed order is placed in the file)

CORRECTED COPY

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 46 OF 2012  
(Arising out of SLP(Crl.) No. 3992 of 2011)

SUKHDEV SINGH @ SUKHA & ANR. Appellant(s)

VERSUS

STATE OF PUNJAB Respondent(s)

Leave granted.

The appellants have been convicted for offences punishable under Sections 324, 325 and 323 read with Section 34 IPC. For the offence punishable under Section 324/34 IPC, the Courts below have sentenced them to undergo six months' imprisonment while for the offence punishable under Section 325 IPC, they have been sentenced to undergo rigorous imprisonment for one year. For the offence punishable under Section 323 IPC, they have been sentenced to undergo imprisonment for three months each. All the sentences have been directed to run concurrently. A fine was additionally imposed upon the appellants which we are told has already been paid.

We have heard learned counsel for the parties at some length. The genesis of the incident was a trivial issue relating to the garbage dumping of/and cowdung in front of the house of the appellants. Hot words exchanged between the appellants and the complainant eventually culminated in a physical fight between them in which the accused are alleged to have assaulted and inflicted injuries upon the complainant party.

2

What is significant for the present is that the incident had taken place as early as in the year 1999. The parties are admittedly neighbours being residents of the same locality. There is admittedly no previous history of any criminal activity on either side. The incident being sudden in nature, we are inclined to interfere with the orders made by the Courts below but only to the extent of modifying the sentence imposed upon the appellants. We are told that the appellants have already undergone six months' imprisonment during the period they were on trial and after their conviction by the Courts below. That period should in our opinion suffice and meet the ends of justice. We accordingly modify the order passed by the Courts below to the extent that instead of the sentence awarded to them, the appellants shall stand convicted and sentenced to the period already undergone. The appellants are on bail. Their bail bonds shall, therefore, stand discharged. This appeal is to the above extent allowed and disposed of.

.....J.  
(DR. B.S. CHAUHAN)

.....J.  
(T.S. THAKUR)