

SUPREME COURT OF INDIA

Ram Mahar

Vs.

State of Haryana

Crl.A.Nos.258 and 259 of 1972

(N. L. Untwalia and S. Murtaza Fazl Ali, JJ.)

11.01.1979

JUDGEMENT

N. L. UNTWALIA, J.:-

1. Both these appeals arise out of the two criminal cases filed by either party against the other arising out of the same occurrence which took place at about 2 p.m. on 22-10-1969. Persons on both sides were injured in that occurrence. One of them, Bhakhtawar Singh died who was on the side of the appellant in Criminal Appeal No. 258 of 1972. Having considered all the facts and circumstances of the two cases, we are of the opinion that the conviction of both the sides maintained by the High Court, does not call for any interference by us. All the appellants in the two appeals have been enlarged on bail by this Court and as all of them have undergone either as under-trial prisoners or after conviction, a good portion of the sentences of imprisonment maintained against them by the High Court in the two appeals we do not feel persuaded to uphold the sentences and send them back to jail for a short time. These are not cases where we should adopt that course. In that view of the matter, we reduce the sentence of imprisonment imposed on all of them in the two appeals, to the period already undergone by them. Subject to this modification in the sentence, the two appeals are dismissed. The appellants will be discharged from their bail bonds.

Order accordingly.