

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Appeal No. S-1306-SB of 2004
Date of decision : October 07, 2015

Pargat Singh

..... Appellant

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gulzar Mohd., Advocate
for the appellant

Mr. R.S. Randhawa, Addl. A.G. Punjab

ANITA CHAUDHRY, J.(ORAL)

The appellant was sentenced to undergo rigorous imprisonment for 7 years under Section 306 IPC. The custody certificate has been received.

Learned counsel for the appellant states that he restricts his prayer only to the quantum of sentence.

Learned counsel for the appellant has urged that the appellant has already undergone 5 years and 7 months of sentence out of 7 years. He further urged that incident is of 1999 and he has 18 year old daughter who is of marriageable age. He states that there is no other case pending against him and the sentence may be reduced to already undergone.

Custody certificate shows that the appellant has undergone incarceration of 5 years and 7 months of custody out of 7 years and there is no other case pending against him. The matter

relates to 1999 and the appellant has faced a protracted trial. The sentence already undergone would suffice. The appellant has a young daughter and there is no one to look after her. She is of marriageable age and further incarceration would spoil her marriage prospects. I am of the view that interest of justice would be met if the sentence is reduced to already undergone.

The appeal is disposed of with the above modification in the sentence. There would be no modification with regard to fine. If the fine is not deposited, it would be deposited within two months failing which the appellant shall surrender before the CJM Ludhiana to undergo the sentence awarded in default of payment of fine. In case he fails to surrender within stipulated time, CJM would take appropriate action to procure his presence. Copy of the order be sent to CJM, Ludhiana.

October 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**