

In the High Court of Punjab and Haryana at Chandigarh

Criminal Appeal-S-335-SB of 2004 (O&M)
Date of decision: 25.2.2015

Kartar Singh and others

.....Appellants

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.S.Pheruman, Advocate
for the appellant.

Mr. K.S.Aulakh, AAG, Punjab.

SABINA, J.

Appellants along with their co-accused Gulzar Singh had faced the trial qua commission of offence punishable under Section 307, 326, 325, 323, 34 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 207 dated 7.9.2000, registered at Police Station Ajnala. Trial Court vide judgment/order dated 27.1.2004 ordered the conviction and sentence of the appellants under Section 308, 326, 325 read with Section 34 IPC. The co-accused of the appellants was ordered to be acquitted. Hence, the present appeal by the appellants.

Learned counsel for the appellants has submitted that there was delay of six days in lodging of the FIR. Learned counsel for the appellants has further submitted that he does not challenge the conviction of the appellants qua commission of offence punishable under Section 308, 326, 325 read with Section 34 IPC but has submitted that sentence qua imprisonment of the appellants be reduced to the period already undergone by them.

Appellants are facing criminal proceedings for the last 15 years and are not previous convicts and are the only bread-earners of the family. Learned counsel for the appellants has further submitted that appellants are ready to pay compensation to the injured.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the appellants to the period already undergone by them.

Accordingly, conviction of the appellants qua commission of offence punishable under Section 308, 326, 325 read with Section 34 IPC is maintained. However, sentence qua imprisonment of the appellants is reduced to the period already undergone by them. Appellants are directed to deposit ₹ 50,000/- each before the Trial Court within two months from today. The said amount be released by the Trial Court, forthwith to injured Surjit Singh, Harbans Kaur and Chanan Singh equally, by way of compensation. In case the appellants fail to deposit the amount of ₹ 50,000/- each before the Trial Court within two months from today, this appeal shall be deemed to have been dismissed.

Appeal stands disposed of accordingly.

**(SABINA)
JUDGE**

February 25, 2015

Gurpreet