

Crl. Appeal No.S-379-SB of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Appeal No.S-379-SB of 2015 (O&M)
Date of decision: 29.05.2015

Nirmal Singh and another

....Appellants

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Ritesh Pandey, Advocate, for the appellants.
Mr. S.S. Chandumajra, DAG, Punjab.
Ms. Satpreet, Advocate, for
Mr. Dhawaljeet Dutta, Advocate, for the complainant.

PARAMJEET SINGH, J. (ORAL)

CRM-17675 of 2015

Allowed. Compromise deed dated 08.05.2015 is taken on
record subject to all just exceptions.

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Challenge in the instant appeal is to the judgment of
conviction and order of sentence dated 18.12.2014 passed by learned
Additional Sessions Judge (Adhoc), Fast Track Court, Gurdaspur,
whereby appellants have been sentenced as under: -

“Nirmal Singh

<i>U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>307 IPC</i>	<i>R.I. for 5 years & Rs.10,000/-</i>	<i>R.I. for 6 months</i>

Satnam Singh

<i>307/34 IPC</i>	<i>R.I. for 5 years & Rs.10,000/-</i>	<i>R.I. for 6 months”</i>
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I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the Court below and in view of the ultimate prayer of the appellants seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellants states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the appellants be suitably reduced as this criminal trial is hanging on their heads like damocle's sword for the last ten years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioners has further submitted that the FIR pertains to the year 2005 and since then a period of ten years has elapsed. The appellants have suffered the ordeal for long period and now have reformed. Learned counsel for the appellant further submits that parties have compromised the matter.

Learned counsel for the complaint does not dispute the fact with regard to compromise between the parties.

Learned counsel for the State submits that Nirmal Singh – appellant No.1 has undergone the sentence for about one year and Satnam Singh – appellant No.2 has undergone the sentence for about five months.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced

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keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the compromise between the parties and the arguments advanced by learned counsel for the appellants, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the appellants behind the bars further as the appellants faced ordeal for a long period. It is a fit case wherein sentence awarded to the appellants can be reduced to already undergone. Ordered accordingly. The impugned judgment of conviction and order of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the appellants will serve the remaining part of sentence.

With the observations made above, present appeal is disposed of with a direction that the appellants be released immediately, if not required in any other case.

(Paramjeet Singh)
Judge

May 29, 2015
R.S.