

CRA-S-767-SB of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-767-SB of 2015 (O&M)
Date of decision: 21.04.2015

Sukhwinder Singh alias Shakki and others
.....Appellants
Versus
The State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. B.S. Sidhu, Advocate, for the appellants.
Mr. S.S. Chandumajra, DAG, Punjab.
Mr. Kulwinder Singh, Advocate, for the complainant.

PARAMJEET SINGH, J. (ORAL)

Present criminal appeal has been preferred by the appellants against judgment of conviction and order of sentence dated 21.01.2015 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib, whereby appellants have been sentenced as under:

“Sukhwinder Singh alias Shakki

<i>U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
148 IPC	01 year RI, Rs.2,000/-	RI 02 months
307/149 IPC	RI 5 years, Rs.5000/-	RI 5 months
324 IPC	RI 2 years, Rs.2000/-	RI 2 months
323/149 IPC	RI 6 months, Rs.500/-	RI 1 month

“ Kanwardeep Singh”

<i>U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
148 IPC	01 year RI, Rs.2,000/-	RI 02 months
307 IPC	RI 5 years, Rs.5000/-	RI 5 months
324/149 IPC	RI 2 years, Rs.2000/-	RI 2 months
323/149 IPC	RI 6 months, Rs.500/-	RI 1 month

“ Manpreet Singh @ Mani”

<i>U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
148 IPC	01 year RI, Rs.2,000/-	RI 02 months
307 IPC	RI 5 years, Rs.5000/-	RI 5 months
324/149 IPC	RI 2 years, Rs.2000/-	RI 2 months
323/149 IPC	RI 6 months, Rs.500/-	RI 1 month

CRA-S-767-SB of 2015

“ Jaspreet Singh @ Jassi”

<i>U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
148 IPC	01 year RI, Rs.2,000/-	RI 02 months
307 IPC	RI 5 years, Rs.5000/-	RI 5 months
324/149 IPC	RI 2 years, Rs.2000/-	RI 2 months
323/149 IPC	RI 6 months, Rs.500/-	RI 1 month”
All the sentences have been ordered to run concurrently.		

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned 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 more than seven years and it should be a sufficient mitigating circumstance to treat them leniently. Counsel for the appellants has further submitted that the FIR pertains to the year 2008 and since then a period of more than seven years has elapsed. The appellants have suffered the ordeal for long period.

Since the parties have effected compromise, although the offences are serious in nature but they have been facing the trial for the last about 07 years, the case of appellants is squarely covered by the judgment of Hon'ble Apex Court in **“Gulam Das and ors. Vs. State of MP”2012(1), RCR) (Criminal)** and the judgment of High Court of

CRA-S-767-SB of 2015

Rajasthan in “**Dilip Kumar Vs. State of Rajasthan**” 2012(1), RCR) **(Criminal)** in which, the factum of the compromise between the parties has been taken into consideration, while reducing their sentence. The aim of the said judgments and the compromise arrived at between the parties, can be taken into consideration for determining the quantum of sentence to be awarded to the appellants.

In view of the settled law in the judgments cited above, apart from the compromise there are other circumstances which persuade me to interfere on the question of sentence awarded to the appellants in the appeal. Accordingly, the sentence awarded to the appellants is reduced to the period already undergone by them. Resultantly the conviction is upheld, however, order of sentence stands modified as ordered above.

Appeal stand disposed of.

(Paramjeet Singh)
Judge

April 21, 2015
prince