

CRA-S-962-SB-2015

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

**CRA-S-962-SB-2015 (O & M)
Date of Decision: 12.05.2015**

Gurpreet Singh @ Gagandeep @ Gagan and others

... Appellant (s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Munish Bhardwaj, Advocate,
for the appellants.

Mr. S.S.Chandumajra, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Appeal was admitted. The applicants-appellants moved CRM-6910-2015 for suspension of sentence. When the application came up for hearing on 01.05.2015, learned counsel for the applicants stated that main appeal may be decided on merit. The case was adjourned to today, LCR was summoned and it was made clear that main appeal would be heard for final disposal.

With the consent of learned counsel for the parties, main appeal is taken on Board for final hearing.

CRA-S-962-SB-2015

Heard.

Present criminal appeal has been preferred by the appellants against judgment of conviction and order of sentence dated 23.01.2015 passed by learned Additional Sessions Judge, Jalandhar whereby each of the appellants has been convicted and sentenced as under:

<i>Conviction</i>	<i>Sentence</i>
u/S 365 IPC	R.I. for three years and fine of ₹2,000/-, in default of payment of fine, R.I. for one month.
u/S 342 IPC	R.I. for one year.

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. Learned counsel for the appellants prays that sentence of the appellants be suitably reduced as this criminal trial is hanging on their heads like Damocle's sword for more than 22 months and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the appellants has further submitted that FIR relates to the year 2013 and since then a period of more than 22 months has elapsed. The appellants have suffered the ordeal of trial for this long period. Learned counsel for the

CRA-S-962-SB-2015

appellants submits that the appellants have already undergone imprisonment for approximately one year and nine months.

On the other hand, learned State counsel does not dispute these facts.

In view of the arguments advanced by learned counsel for the parties, this Court is of the view that no useful purpose will be served by keeping the appellants behind the bars as the appellants had already faced ordeal for more than 22 months. It is a fit case wherein sentence awarded to the appellants can be reduced to already undergone. Ordered accordingly. The impugned order of sentence and conviction stands affirmed with aforesaid modification. The appellants, who are stated to be in judicial custody, shall be released forthwith, if not required in any other case. However, if the amount of fine is not paid, appellants will have to undergo default imprisonment for a period of one month each as awarded by the trial Court.

With the observations made above, present appeal is disposed of.

12.05.2015
parveen kumar

(Paramjeet Singh)
Judge