

In the High Court of Punjab and Haryana at Chandigarh

Crl. Appeal No. S-360-SB of 2003

Date of Decision: 28.01.2015

Kuldip Singh alias Kohla and others

.....Appellants

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.S.Ahluwalia, Advocate
for the appellants.

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

Mr. J.S.Thind, Advocate
for the complainant.

SABINA, J.

Appellants had faced the trial qua commission of offence punishable under Section 148, 447, 307, 325, 323 read with Section 149 of the Indian Penal Code, 1860 ('*IPC*' for short) and Section 27 of the Arms Act, 1959 ('*Act*' for short) in FIR No. 110/1999, registered at Police Station Sadar Amritsar. Trial Court vide judgment/order dated 06.2.2003 ordered the conviction and sentence of the appellants under Section 148, 447, 307, 325, 323 read with Section 149 IPC. Appellant Kuldip Singh was further convicted and sentenced qua commission of offence punishable under Section 27 of the Act. Hence, the present appeal by the appellants.

During the pendency of the appeal, appellant No. 3-

Gurmej Singh has died. Hence, so far as appellant No. 3-Gurmej Singh is concerned, proceedings qua him stand abated and appeal qua him is disposed of accordingly.

During the course of arguments, learned counsel on behalf of appellants No. 1, 2, 4 and 5 has not challenged their conviction under Section 148, 447, 307, 325, 323 read with Section 149 IPC and Section 27 of the Act but has submitted that sentence qua imprisonment of the said appellants be reduced to the period already undergone by them. Learned counsel for appellants No. 1, 2, 4 and 5 has submitted that the said appellants are ready to deposit ₹ 50,000/- each by way of compensation. The said amount be released to the injured.

Learned counsel for the complainant, on instructions from Arjinder Singh, who is present in the Court in person, has accepted the offer made by learned counsel for appellants No. 1, 2, 4 and 5. He has further submitted that the amount of compensation be ordered to be shared by both the injured equally.

Accordingly, conviction of appellants No. 1, 2, 4 and 5 under Section 148, 447, 307, 325, 323 read with Section 149 IPC and Section 27 of the Act, is maintained. However, sentence qua imprisonment of the said appellants is reduced to the period already undergone by them subject to their depositing of ₹ 50,000/- each by way of compensation before the Trial Court within two months from today. The amount of compensation deposited by appellants No. 1, 2, 4 and 5 be released to injured Arjinder Singh and Jagjit Kaur, forthwith, equally. In case the amount of compensation to the tune of ₹ 50,000/- each, is not deposited by appellants No. 1, 2, 4 and 5 within two months from today before the Trial Court, this appeal shall be deemed to have

been dismissed.

Appeal stands disposed of accordingly.

**(SABINA)
JUDGE**

January 28, 2015

Gurpreet