

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

**Criminal Appeal S-1508-SB of 2004
Date of Decision: July 26, 2016.**

Gurjant Singh	Versus	Appellant
The State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Jasmail Singh Brar, Advocate
for the appellant.

Mr. Vikram Bishnoi, Asstt. Advocate General, Punjab.

T.P.S.MANN, J. (Oral)

The appellant was tried for committing offences punishable under Section 307 IPC and Section 27 of the Arms Act. Vide impugned judgment and order dated 4.6.2004, learned Additional Sessions Judge (Adhoc) Fast Track Court, Faridkot convicted him under Section 326 IPC and sentenced him to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo further rigorous imprisonment for one month. He was also convicted under Section 324 IPC and sentenced to undergo rigorous imprisonment for one year. Both the substantive sentences of

imprisonment were ordered to run concurrently. The period of detention during the investigation/trial of the case, if any, was ordered to be set off against the sentence of imprisonment imposed upon him.

In nutshell, the case of the prosecution is that on 3.11.1999 at about 11.30 p.m., the appellant had fired a shot, which hit Surjit Kaur, maternal grand mother of the complainant, on her right leg below the knee and another shot, hitting complainant Kaur Singh on his right thigh.

At the trial of the case, the prosecution examined complainant Kaur Singh as PW3, who deposed about the manner, in which the incident had taken place. His maternal grand mother Surjit Kaur stepped into the witness box as PW4 and supported his testimony. The medical evidence brought on record by the prosecution by examining Dr. P.N.Girdhar as PW1 and Dr. R.K.Goyal as PW2 further corroborated the prosecution case. Besides, various police officials were also examined by the prosecution, who proved the investigation part of the case.

Having heard learned counsel for the parties and on going through the impugned judgment, this Court finds that no case is made out for any interference in the conviction of the appellant for the offences under Sections 326 and 324 IPC. Both PW3 Kaur Singh and PW4 Surjit Kaur have testified in

unequivocal terms that it was the appellant, who had fired at them. Their testimonies are duly corroborated by PW1 Dr. P.N.Girdhar and PW2 Dr. R.K.Goyal, who had medico-legally examined them besides observing the fracture on the person of Surjit Kaur.

Coming to the question of sentence, it may be noticed that the appellant is facing the agony of criminal prosecution for the last about seventeen years. The injuries attributed to him were on the non-vital parts of the two injured. The Court has been informed that on account of his conviction in the case, the department has already dispensed with his services as a home guard. As per the custody certificate produced by the learned State counsel, the appellant has undergone an actual sentence including remission of two years, one month and eighteen days. The appellant is not shown to be involved in any other criminal case. Further, after being released on bail pursuant to order passed by this Court on 25.8.2004, he has not misused the concession in any manner.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellant behind the bars, once again, for undergoing the remaining sentences of imprisonment imposed upon him. Ends of justice shall be suitably met, if his substantive

sentence of imprisonment on both the counts is reduced to the one already undergone by him. At the same time, the fine imposed upon him can be suitably enhanced so as to disburse the same to the complainant, as compensation.

Resultantly, the conviction of the appellant under Sections 326 and 324 IPC is upheld. His substantive sentences of imprisonment on both the counts shall stand reduced to the one already undergone by him. The fine of Rs.1,000/- imposed upon him is, however, enhanced to Rs.40,000/-, which shall be deposited by him before the Chief Judicial Magistrate, Sri Muktsar Sahib, within three months from today, failing which, he shall be required to undergo rigorous imprisonment for one year. The entire amount of fine, when deposited by him, be disbursed to complainant Kaur Singh, as compensation.

The appeal is, accordingly, disposed of.

July 26, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No