

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

Crl. Appeal S-871-SB of 2004
Date of Decision : January 15, 2016

Gurjant Singh @ Janta	VERSUS	Appellant
State of Punjab		Respondent

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

Present : Mr. H.S.Rakhra, Advocate
for the appellant.

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

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

Appellant Gurjant Singh @ Janta along with Malkiat Singh and Ranjit Singh was tried for committing offences punishable under Sections 364/450/323/342 read with Section 34 IPC. Vide judgment and order dated March 25, 2004, the learned Additional Sessions Judge, Bathinda, convicted them for the offences under Sections 452 read with 34 IPC and sentenced them to undergo rigorous imprisonment for a period of one year and six months and to pay a fine of Rs.500/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month. They were further convicted under Sections 342 read with 34 IPC and sentenced to undergo rigorous imprisonment for six months each. They were also convicted under Sections 323 read with 34 IPC and sentenced to

undergo rigorous imprisonment for six months each. All the substantive sentences awarded to the convicts were ordered to run concurrently. The period of detention already undergone by them during the enquiry, investigation and trial was ordered to be set off under Section 428 Cr.P.C.

Aggrieved of his conviction and sentence, the appellant filed the present appeal, which was admitted on 23.4.2004 and he was granted the concession of suspension of sentence. The two co-convicts of the appellant, namely, Malkiat Singh and Ranjit Singh did not prefer any appeal against their conviction and sentences and after undergoing the sentences of imprisonment imposed upon them and depositing the fine, they were released from the jail, as has been depicted in the custody certificate produced by the learned State counsel.

Learned counsel for the appellant has not challenged the impugned judgment of conviction passed by the trial Court. He has, however, submitted that the appellant has been facing the agony of criminal prosecution for the last more than sixteen years. He was fifty three years of age at the time of his examination under Section 313 Cr.P.C. The appellant has two children and old parents and there is none else other than the appellant to look-after them. It is also submitted that the appellant is not a previous convict. Further, out of the sentence of one year

and six months imposed upon him, he has already undergone a period of one year and three months. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer made by the appellant by submitting that the appellant along with his co-convicts had caused injuries to Jagdev Singh and Sher Singh after committing house trespass and wrongfully confining the complainant party. He has, however, produced the custody certificate, as per which, the appellant has already undergone an actual period of one year, two months and twenty eight days.

After hearing learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose would be served by sending the appellant behind the bars, at this stage, to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met by reducing the sentences of imprisonment of appellant to that already undergone by him.

Resultantly, the conviction of the appellant for the offences under Sections 452/342/323 read with Section 34 IPC is maintained. However his substantive sentences of imprisonment

on all the counts is reduced to the one already undergone by him. The sentence of fine along with its default clause is maintained.

The appeal is, accordingly, disposed of.

January 15, 2016
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(T.P.S. MANN)
JUDGE