

CRA-S-252-SB of 2012

[1]

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

Sr. No. 221

CRA No.S-252-SB of 2012

Date of decision: September 20, 2016

Lakhwinder Singh @ Babli

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagjit Gill, Advocate,
for the appellant.

Mr. RPS Sidhu, AAG, Punjab.

Mr. B.S. Sidhu, Advocate,
for the complainant.

JASPAL SINGH, J.

1. The instant appeal has been preferred by petitioner-Lakhwinder Singh @ Babli challenging judgment/order dated December 17, 2011, passed by the Sessions Judge, Mansa, in case bearing FIR No.94, dated November 29, 2008, under Section 324 read with Section 34 IPC (Section 307 IPC added later on), registered at Police Station Jaurkian. Vide judgment of conviction dated December 17, 2011, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Lakhwinder Singh @ Babli	307 IPC	07 years	5,000/-	02 months

Aggrieved from the judgment passed by the trial court, appellant filed this appeal.

2. At the very outset of arguments, learned counsel for the appellant submits that he does not press the appeal qua conviction, however, the appellant be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant document(s)/ evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the appellant under the aforesaid provisions of IPC is concerned. As such, the conviction of the appellant is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that appellant is facing the agony of protracted trial for approximately 07 years & 10 months after registration of the instant case; is 30 years old, is a poor person having minor children and is a sole bread winner of the family. Moreover, appellant had already suffered incarceration for a period of 01 year, 08 months & 12 days (including remission), as is evident from custody certificate dated August 06, 2012. There is no other case of similar nature, either pending or disposed of, against the appellant.

4. Besides the aforementioned factors, it would be appropriate to mention here that during the pendency of the instant appeal, the parties

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have effected the compromise in the Daily Lok Adalat on 19.11.2015 and their statements to this effect were also recorded. The complainant in his statement specifically stated that he has settled the matter with the accused- Lakhwinder Singh @ Babli in terms of compromise dated 29.03.2012 (Annexure A-1).

5. In view of the fact that parties have amicably arrived at compromise, it is a major factor to take a lenient view in the matter of sentence. Thus, this court is of the considered view that a chance be given to the appellant for reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

6. Taking into consideration the aforesaid aspects of the case, though, conviction of the appellant is upheld but the sentence imposed upon him by the court below is reduced to the period already undergone by him, with no change in fine clause.

7. With the above modification in sentence, instant appeal stands dismissed.

September 20, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No