

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Appeal S-1666-SB of 2003**

Date of Decision : January 13, 2016

|                        |        |                 |
|------------------------|--------|-----------------|
| Amar Singh and another |        | .....Appellants |
|                        | Versus |                 |
| State of Punjab        |        | .... Respondent |

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

Present : Mr. K.S.Brar, Advocate  
for appellant No.2-Balbir Singh.

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

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

The two appellants, namely, Amar Singh and Balbir Singh along with Parkash Singh were tried for committing offences punishable under Sections 323, 324 read with Section 34 IPC. Vide impugned judgment and order dated 28.8.2003, learned Additional Sessions Judge, Faridkot, convicted Amar Singh under Section 324 IPC and Balbir Singh and Parkash Singh under Sections 324/34 IPC and sentenced them to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- each and in default of payment of fine to further undergo rigorous imprisonment for two months. Parkash Singh was convicted under Section 323 IPC whereas Amar Singh and Balbir Singh were convicted under Sections 323/34 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine

of Rs.200/- each and in default of payment of fine to further undergo rigorous imprisonment for one month. Both the sentences were ordered to run concurrently. The period of sentence/detention, if already undergone by any of the three convicts during the investigation and trial was ordered to be set off against the aforementioned sentences.

Aggrieved of their conviction and sentences, Amar Singh and Balbir Singh filed the present appeal. During the pendency of the appeal, appellant Amar Singh died and vide order dated 20.2.2015, proceedings against him were dropped. The appeal survives qua appellant Balbir Singh.

Learned counsel for appellant Balbir Singh has not challenged the conviction of his client. However, it is submitted that Balbir Singh is aged about sixty years of age and is suffering from various ailments. The only injury attributed to him in the entire occurrence was on the right thigh of PW Gurdev Singh. It is also submitted that during the occurrence Balbir Singh had also suffered four injuries which included an incised wound in the occipital region of skull and reddish contusions on left clavicle, top of right shoulder and lower half of right ear. Out of the sentence of imprisonment for one year imposed upon him, the appellant has already undergone a period of about five months. He is facing the agony of criminal prosecution for the last more than eighteen years. Apart from the present case, he is not involved in any other criminal case. No useful purpose would be

served by sending the appellant behind the bars, at this stage. Therefore, his sentence of imprisonment be reduced to that already undergone by him.

Learned State counsel has opposed the prayer by submitting that the appellant had taken active part in the occurrence by causing a Barchhi blow in the right thigh of PW Gurdev Singh. Learned State counsel has, however, produced the custody certificate, as per which, appellant Balbir Singh has already undergone an actual period of four months and nineteen days besides earning remission of sixteen days.

Taking into consideration the totality of the circumstances, this Court is of the considered view that appellant Balbir Singh deserves the concession of reduction of sentence of imprisonment.

Resultantly, the conviction of the appellant under Sections 324/34 and 323/34 IPC is maintained. However, his substantive sentence of imprisonment on both counts is reduced to the one already undergone by him. The sentences of fine along with their default clauses are maintained.

The appeal is, accordingly, disposed of.

**January 13, 2016**  
amit rana

**( T.P.S. MANN )**  
**JUDGE**