

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

CRA-S-1877-SB-2003

Date of Decision: 27.01.2016

Piara Singh

...Appellant.

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE RAJ RAHUL GARG

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. S.K. Arora, Advocate
for the appellant.

Mr. Surjit Chaudhary, DAG, Punjab
for the State.

RAJ RAHUL GARG, J.

Appellant Piara Singh has filed this appeal against the judgment and order dated 27.09.2003 passed by the learned Additional Sessions Judge, Fast Track Court, Ferozepur, whereby he along with co-accused Swarn Singh and Kumba Singh, was convicted and awarded sentence to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for three months under Section 326/34 IPC; to undergo rigorous imprisonment for six months under Section 323 IPC and to undergo rigorous imprisonment for three months under Section 323/34 IPC.

Co-accused Swarn Singh was awarded sentence to undergo rigorous imprisonment for four years and to pay a fine of Rs.1000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months under Section 326 IPC, to undergo rigorous imprisonment for six months under Section 323 IPC and to undergo rigorous imprisonment for three months under Section 323/34 IPC. Accused Kumba Singh was awarded sentence to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for three months under Section 326/34 IPC and to undergo rigorous imprisonment for three months under Section 323/34 IPC.

Brief facts of the case are that on 28.07.2002 when Kuldip Singh came to meet his sister Harjinder Kaur who was married to Gurcharan Singh, accused Swarn Singh misbehaved with Kuldip Singh. Kuldip Singh reported the same to Gurcharan Singh. When they were going to lodge a report at the police station at about 01:30/02:00 PM, Swarn Singh, Kumba Singh and appellant Piara Singh attacked complainant Gurcharan Singh and

Kuldip Singh who received injuries on their person. Kuldip Singh was taken to Civil Hospital, Ferozepur and was medically examined. Following injuries were found on his person.

“1. 5 cm stitched wound vertically placed on outer end of the right side of forehead 2.5 cm away and above the right eye brow. Bleeding was present. X-ray was advised.

2. Abrasion 5 cm x 0.2 cm on the upper surface of right shoulder.

3. Abrasion 1 cm x 0.2 cm on the upper surface of right shoulder 1 cm ahead of injury No.2.”

Injury No.1 was declared to be grievous in nature after receiving X-ray report (Ex. P-12). Baldev Singh, SI, recorded the statement of Kuldip Singh (Ex.P-18) on the basis of which FIR was recorded. After investigation, challan was presented against all the accused in the Court.

After hearing counsel for the parties and appraising evidence and material on record, the impugned judgment of conviction and order dated 27.09.2003 were passed as set out in the earlier part of the judgment. Against the aforesaid judgment of conviction and order dated 27.09.2003, present appeal has been filed.

At the very outset, learned counsel for the appellant Piara Singh stated that he does not wish to assail the findings recorded by the learned trial Court and would be satisfied if the sentence awarded to appellant Piara Singh is reduced to the one already undergone.

It may be mentioned here that the sentence of co-accused

Swarn Singh was reduced to a period of one year and nine months rigorous imprisonment and that of Kumba Singh was reduced to a period of nine months by this Court in CRA No.664-SB of 2004.

As per custody certificate filed by the State counsel, appellant Piara Singh has already undergone 3 months and 27 days of imprisonment as on 25.01.2016.

Keeping in view the fact that the sentences of co-accused of appellant, one of whom (Swarn Singh) was the main accused, have already been reduced by this Court in CRA No.664-SB of 2004, the sentence awarded to appellant Piara Singh also deserves to be reduced. The offence committed by appellant Piara Singh relates to the year 2002. The appellant has already suffered a lot due to the protracted trial pending against him since then.

In view of the above, I am of the view that ends of justice would be met if the sentence awarded to appellant Piara Singh is reduced to the period already undergone by him, maintaining the imposition of fine. Ordered accordingly.

With this modification in the quantum of sentence, the appeal is dismissed.

27.01.2016
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(RAJ RAHUL GARG)
JUDGE