

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

**Crl. Appeal S-642-SB of 2005**  
Date of Decision : October 04, 2017

Rajinder Singh @ Lala and another

.....Appellants

**VERSUS**

State of Punjab

.....Respondent

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

Present : Mr. H.S.Dhandi, Advocate  
for the appellants.

Mr. Gaurav Garg Dhuriwala, Sr. Deputy A.G., Punjab.

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

The appellants, namely, Rajinder Singh @ Lala and Gurvinder Singh alongwith Harnam Kaur, Jaswant Kaur and Baljit Kaur, were tried for committing the offences punishable under Sections 148 and 304 read with Section 149 IPC. Vide judgment and order dated 29.3.2005, learned Additional Sessions Judge (Adhoc), Patiala acquitted Harnam Kaur, Jaswant Kaur and Baljit Kaur of the charges against them. The appellants were also acquitted of the charge under Section 148 IPC. However, Rajinder Singh @ Lala-appellant was convicted under Section 304 Part II IPC and sentenced to undergo imprisonment for four years and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo imprisonment for one year whereas Gurvinder

Singh-appellant was convicted under Section 304 Part II read with Section 34 IPC and sentenced to undergo imprisonment for three years and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo imprisonment for one year. The period already spent by them behind the bars during the investigation and trial of the case was ordered to be set off against their substantive sentence.

The case of the prosecution is that complainant-Gurnam Singh was resident of village Nangla and an agriculturist. His uncle Bahadur Singh (deceased) son of Uday Singh alongwith his family members was residing separate from their family. During the previous night it was raining. The complainant had been sleeping in his Bethak in order to look after the cattle. On 13.8.2002, at about 11.30 P.M., he heard a noise of "Marta-Marta". On this, the complainant came out on the road and saw with the torch light that Rajinder Singh @ Lala and Gurvinder Singh accused armed with a stick each alongwith their mother Harnam Kaur, Jaswant Kaur wife of Rajinder Singh and Baljit Kaur wife of Gurvinder Singh were dragging the deceased/uncle of the complainant on the road. Accused were stating that the deceased had defamed their mother and they would teach him a lesson. The complainant raised the alarm as to why they were beating him. Within the sight of the complainant, accused Rajinder Singh @ Lala gave a stick blow which hit on the head of

Bahadur Singh (deceased). Gurvinder Singh gave a stick blow which hit on the shoulder. Rajinder Singh @ Lala gave another blow which hit on the left side of the shoulder of the deceased. Jaswant Kaur wife of Rajinder Singh @ Lala and Baljit Kaur wife of Gurvinder Singh raised lalkara that he should not be spared on that day. Then accused Harnam Kaur caught hold of the deceased from his long hair and pushed him towards his house and accused Rajinder Singh @ Lala and Gurvinder Singh caught hold of the legs of the deceased/uncle. The complainant raised an alarm that his uncle has been killed and on hearing the alarm Nagar Singh another uncle of the complainant came there. Accused Rajinder Singh @ Lala and others after causing injuries ran away from the spot with their respective sticks. The complainant observed Bahadur Singh of having died at the spot due to above injuries. The complainant left his uncle Nagar Singh at the spot and informed Ujjagar Singh, Lambardar of the village who came to the spot. It was raining quite a bit and the dead body of Bahadur Singh deceased was removed to his house and his son Satvinder Singh had gone to look after the land in Haryana State and he was joined and the complainant lodged the report.

According to the prosecution, the motive for the occurrence was that the appellants and their family members suspected Bahadur Singh deceased to be having illicit relations

with Harnam Kaur.

Learned counsel for the appellants submits that he does not challenge the impugned judgment of conviction passed by the trial Court. He, however, submits that the appellants are facing the agony of criminal prosecution for the last more than fifteen years. None of them is either involved or convicted in any other case. Out of the sentence of four years imposed upon him, Rajinder Singh @ Lala-appellant has undergone about one year and nine months whereas Gurvinder Singh-appellant has undergone a period of more than one year and one month out of the sentence of three years imposed upon him. Both of them have already deposited the fine imposed upon them. There is no allegation that after being released on bail, pursuant to the order passed by this Court in the month of April, 2005, they have misused the concession of bail in any manner. Prayer has, accordingly, been made for setting aside their remaining sentences of imprisonment.

Learned State counsel has opposed the prayer by submitting that Rajinder Singh @ Lala-appellant was the one, who had caused the fatal injury on the head of the deceased. Even Gurvinder Singh-appellant had also caused one injury though on the shoulder of the deceased. He has, however, produced the custody certificate, as per which Rajinder Singh @ Lala-appellant has undergone an actual period of one year, eight

months and five days out of the sentence of four years imposed upon him whereas Gurvinder Singh-appellant has undergone an actual period of one year, one month and two days out of the sentence of three years imposed upon him. None of them is shown to be either involved or convicted in any other case.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellants behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice shall be suitably met, if their substantive sentences of imprisonment is reduced to the one already undergone by them.

Resultantly, the conviction of Rajinder Singh @ Lala-appellant under Section 304 Part II IPC and of Gurvinder Singh-appellant under Section 304 Part II read with Section 34 IPC is upheld. Their substantive sentences of imprisonment is reduced to the one already undergone by them. The sentence of fine alongwith its default clauses is, however, maintained.

The appeal is, accordingly, disposed of.

**October 04, 2017**  
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**( T.P.S. MANN )**  
**JUDGE**

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|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |