

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

Crl. Appeal S-2193-SB of 2003
Date of Decision : August 18, 2017

Beant Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

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

Present : Mr. Ramandeep Singh, Advocate for
Mr. H.S.Dhindsa, Advocate
for the appellant.

Mr. Jagmohan Ghumman, Deputy A.G., Punjab.

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

The appellant, alongwith six others, was tried for committing the offence punishable under Section 399 IPC. He was also tried for committing the offence punishable under Section 25 of the Arms Act and so were his co-accused Saimber Singh and Jagdev Singh. Vide judgment and order dated 3.11.2003, learned Additional Sessions Judge (Adhoc) Fast Track Court, Ludhiana acquitted all the accused including the appellant of the charge under Section 399 IPC. The appellant alongwith Saimber Singh and Jagdev Singh was, however, convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 1,000/- each

and in default of payment of fine, to further undergo rigorous imprisonment for three months.

Aggrieved of his conviction and sentence, the appellant filed the present appeal which was admitted on 1.12.2003. Simultaneously, the Court had extended the interim bail already granted to him by the learned trial Court.

According to the prosecution, at the time of his apprehension, one spring actuated knife was recovered from the possession of the appellant on 3.7.2000 when the police party headed by SI Ravinder Pal Singh conducted raid at the place disclosed by the secret informer. The appellant did not carry any licence or permit to possess the knife and, accordingly, he has been held guilty for committing the offence under Section 25 of the Arms Act.

Learned counsel for the appellant has not challenged the impugned judgment passed by the learned trial Court to the extent of convicting him under Section 25 of the Arms Act. However, it is submitted that the appellant is facing the agony of criminal prosecution for the last more than seventeen years. He is now on bail pursuant to the order dated 1.12.2003. From the custody certificate produced by the learned State counsel, it is made out that out of the sentence of one year imposed upon him, he has already undergone an actual period of one month and one

day. He is not shown to be 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 appellant behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, the fine of Rs. 1,000/- can be enhanced.

Resultantly, the conviction of the appellant under Section 25 of the Arms Act is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 1,000/- imposed upon him by the learned trial Court is, however, enhanced to Rs. 5,000/-. The fine amount be deposited by him in the Court of Chief Judicial Magistrate, Ludhiana within three months from today, failing which he shall undergo rigorous imprisonment for three months.

The appeal is, accordingly, disposed of.

August 18, 2017

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

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No