

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1896-SB-2004

Decided on: 03.12.2018

Amandeep Singh and others

.... Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narender Singh, Advocate
for the appellants.

Mr. Pankaj Gupta, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Appellant No.2-Jasvir Singh was convicted by learned Additional Sessions Judge-cum-Fast Track Court, Bathinda for commission of offence under Section 307 read with Section 34 of Indian Penal Code (in short 'IPC') and vide judgement dated 31.08.2004 sentenced him to undergo rigorous imprisonment for 4 years and to pay a fine of ₹1,500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months.

All the sentences were ordered to run concurrently.

Aggrieved against the said judgment, the present appeal was filed in the year 2004 and the same was admitted vide order dated 30.09.2004.

It is relevant to mention here that in fact during the pendency of the appeal, appellant No.1-Amandeep Singh and appellant No.3-Suadagar Singh (co-accused) had expired and appeal qua them already stood abated vide order dated 21.09.2017.

I have heard learned counsel for the appellants and learned State counsel besides going through the record.

Learned counsel for the appellants has fairly stated that in view of the findings of fact recorded by the Court below, he would make his submissions qua quantum of sentence only.

Learned counsel for the appellants contented that appellant No.2-Jasvir Singh has faced a protracted trial of 16 years. According to him, appellant No.2 is a poor person and is the sole bread earner of his family. His age at the time of occurrence was 22 years and now he is about 38 years old. Further, during the pendency of the trial, he has been fastened with many liabilities.

Learned counsel for the appellants further contented that in the last 16 years, appellant No.2-Jasvir Singh has not committed any other offence and is, thus, leading the life of a disciplined and peace loving citizen. Therefore, no useful purpose would be served by sending the said appellant behind the bars.

The custody certificate which has been filed by the learned State counsel, a copy of which has been given to learned counsel for the appellants also reveals that there is no other criminal case pending against him and he is not a previous convict. Custody certificate reveals that out of substantive sentence of 4 years, he has undergone 2 years, 9 months and 04 days.

Keeping in view the facts and circumstances of the case and the averments submitted by the counsel for the appellants, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the appellant No.2-Jasvir Singh, his substantive sentence of 4 years imprisonment is reduced to the sentence undergone by him in this case. However, the fine imposed upon appellant No.2-Jasvir Singh is enhanced from ₹1,500/- to ₹25,000/- which shall be deposited by him within two months from the date of receipt of certificate copy of this order. It is further made clear that in case of non-deposit of fine, benefit of reduction shall not accrue to appellant No.2-Jasvir Singh.

With these modifications, the present appeal is disposed of qua
appellant No.2-Jasvir Singh.

A copy of this order be sent to the trial Court for information and
necessary compliance.

03.12.2018
Dinesh

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No