

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal S-2104-SB of 2006

Date of Decision : December 19, 2018

Rajinder Singh

....Appellant

VERSUS

State of Haryana

...Respondent

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

Present : Mr. Arjun Lakhanpal, Advocate
for the appellant.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

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

Rajinder Singh son of Amin Lal has filed the present appeal for challenging the judgment and order dated 6/7.10.2006 passed by learned Sessions Judge, Sirsa whereby he stood convicted and sentenced, as mentioned below :-

- (i) Convicted under Section 307 IPC and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo further imprisonment for six months;
- (ii) Convicted under Section 309 IPC and sentenced to undergo simple imprisonment for one year; and

- (iii) Convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment of a period of two years and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo further imprisonment for two months.

All the substantive sentences were ordered to run concurrently.

According to the prosecution, complainant Pushpa Devi was married to the appellant about seven years prior to the occurrence. From their wedlock, one girl child was born. The appellant and his wife used to live separately from his parents and brothers. However, there used to remain bickering between the couple on petty issues. In the morning of 31.12.2003, when the complainant was preparing meals, the appellant came from outside and appeared to be drunk. He started abusing the complainant and when she protested, he took out a pistol and fired at her. The shot hit her near her spinal cord. The appellant then fired at himself. Both of them were removed to General Hospital, Sirsa in injured condition. Later on, the police recorded the statement of complainant Pushpa Devi, on the basis of which the FIR was registered.

This Court need not to go into the merits of the case, in view of the fact that the dispute between the appellant, on the one

hand and the complainant on the other, stands amicably settled. The complainant has appeared before this Court and got recorded her statement to the effect that the dispute has been amicably resolved and she is living with the appellant. They have two children; son aged 10 years and daughter aged 19 years. Ever since they have come together, the appellant has been taking good care of her. She has further stated that she would have no objection if any benefit of compromise arrived at between her and the appellant, is extended to the appellant.

As per the custody certificate produced by the learned State counsel, the appellant has undergone an actual period of two years, ten months and twenty four days, which includes post-conviction period of two months and twenty eight days. He is not shown to be either involved or convicted in any other case.

The appellant has been facing the agony of criminal prosecution for the last about fifteen years. The appellant and the complainant have already ironed out their differences and are living together as husband and wife. The appellant has undergone substantial portion out of the sentence of imprisonment imposed upon him.

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 for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice would be suitably met if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant, as recorded by the learned trial Court is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The sentences of fine alongwith their default clauses are, however, maintained.

The appeal is, accordingly, disposed of.

December 19, 2018

satish

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

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO