

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRA-S-27-SB-2010  
Date of Decision: 17.02.2018

Inderjit Singh ...Appellant

Versus

State of Punjab ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Nitehar Barnwal, Advocate for  
Mr. J. S. Dadwal, Advocate  
for the appellant.

Mrs. Anju Arora, Addl. Advocate General, Punjab.

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JAISHREE THAKUR, J. (Oral)

Appellant-Inderjit Singh assailed the judgment of conviction dated 18.11.2009 and order of sentence of the even date passed by the Additional Sessions Judge, Hoshiarpur, whereby he was convicted for committing offence punishable under Section 304-B and 498-A of the Indian Penal Code and was sentenced as under:

|                         |                                                                                                                                                                                        |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 304-B IPC | To undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs. 5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for two months. |
| Under Section 498-A IPC | To undergo rigorous imprisonment for a period of 03 years and fine of Rs. 500/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.               |

Both the sentences were ordered to run concurrently and the

period of detention during the trial and investigation was set off against the substantive sentence under Section 428 Cr.P.C.

After arguing for some time, learned counsel for the appellant-accused contended that the appellant was sentenced to undergo rigorous imprisonment for a period of 10 years and he has already undergone 07 years, 08 months and 05 days of his sentence which is more than the minimum sentence prescribed for committing offence punishable under Section 304-B IPC, hence, under these circumstances, she does not want to contest the findings of the learned trial Court recorded on the merits of the case, however, prays for reduction of the sentence to the one already undergone by the appellant.

Since learned counsel for the appellant does not contest the findings of the learned trial Court on merits, therefore, I need not mention the facts of the case in detail. However, briefly, as per prosecution, Jasbir Kaur was married to Inderjit Singh who used to give her severe beatings in order to fulfill his demand of money for starting a business. He demanded Rs. 10 Lakh but the parents of Jasbir Kaur were not able to fulfill his demand. On 31.05.2006 at about 2-2.30 PM, she was present in her in-laws house. Her husband threw kerosene oil on her and she, feeling fed up of the behaviour of the husband, lighted a match stick and set herself on fire. Initially her husband tried to douse the fire but thereafter he ran away. After some time, her husband came back and gave telephonic call to his mother who was outside the house. Thereafter, her husband and mother-in-law got her admitted in Handa Hospital, Mahilpur. She was shifted to Civil Hospital, Jalandhar. On receiving wireless request regarding admission of Jasbir Kaur with burn injuries, HC Om Parkash along with HC Balbir Singh

rushed there. After obtaining the necessary opinion from the doctors, JMJC, Jalandhar recorded the statement of Jasbir Kaur, on the basis of which, the instant FIR came to be registered under Section 307 and 498-A of the IPC. On 23.07.2006, Jasbir Kaur died due to burn injuries and consequently, Section 304-B IPC was added. Accused Nirmal Kaur was arrested and released on bail as per the orders of this High Court, however, accused Inderjit Singh was arrested. After completion of investigation, challan was presented. Accused were chargesheeted under Sections 304-B and 498-A of the IPC, to which they pleaded not guilty and claimed trial.

Both the parties led their respective evidence and after hearing both the parties and appraising the entire material and evidence on record, learned trial Court convicted appellant-Inderjit Singh as mentioned in the earlier part of this judgment, however, accused Nirmal Kaur was acquitted.

Counsel for the respondent-State filed custody certificate today in Court which is taken on record.

Learned counsel for the appellant contended that in-fact the appellant has already undergone substantive period of his sentence i.e. 7 years, 08 months and 05 days as per custody certificate produced on file today in the Court. The total period of sentence awarded is 10 years. Accused-appellant has already faced protracted trial. She does not assail the findings of the conviction recorded against the appellant by the trial Court in case the sentence of appellant is reduced to the one already undergone.

Mrs. Anju Arora, Addl. Advocate General, Punjab, contested the appeal arguing that the appellant used to harass his wife, the deceased.

I have heard learned counsel for the parties and with their assistance perused the case file.

On a perusal of the record of the case, it is apparent that the appellant poured kerosene over his wife (deceased) and it was only the deceased-wife who set herself on fire as a result of her husband's continuous ill treatment. This may be viewed as mitigating circumstances in this case as it was the wife of the appellant and not the appellant himself who lit the fire.

From the custody certificate, placed on file today in the Court, it is evident that the appellant has already undergone 7 years, 08 months and 05 days sentence inclusive of remissions. The total period of sentence awarded is 10 years. The case is of the year 2009. The appellant has faced protracted trial. During this period of 09 years, the appellant has undergone agony of trial. The total period of sentence awarded to him was 10 years, out of which he had already undergone substantive period of his sentence. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of the appellant to the one already undergone.

Accordingly, while maintaining the judgment of conviction dated 18.11.2009, the order of sentence of the even date is modified by reducing the same to the one already undergone by the appellant. However, the sentence of fine shall remain intact.

Disposed of, accordingly.

**17.02.2018**

*Waseem Ansari*

**(JAISHREE THAKUR)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*