

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA No.S-2553-SB of 2012

Date of Decision: 17.03.2018

Devender Chawla

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arvind Galav, Advocate
for the appellant.

Mr. Amrik Narwal, DAG Haryana.

AVNEESH JHINGAN, J.(Oral)

The appellant has faced trial in case FIR No. 531 dated 04.09.2009 under Sections 307/34/120-B/212 IPC and Section 25 of Arms Act, registered at Police Station Civil Line, Hisar.

The brief facts of the prosecution case as noted down in the judgment passed by learned Additional Sessions Judge, (Fast Track Court) Hisar, are as under:

"In brief, the facts of the prosecution case are that on 04.09.2009 Suresh son of Ram Lal complainant has given statement to the police to the effect that in his house toward the right side there are three shops. There are stairs for going on the roof of the shops. On that date, he along with his cousin brother Subhash were sitting on the stairs of the shop adjacent to his house. At 9:30 p.m, when they were talking with each other, in the meantime two persons while riding on a black colour bike came there. Pillion rider fired a shot toward Subhash and after that assailants fled away toward N.D. Hospital. The bullet hit on the left side of stomach of Subhash. He took care of his brother and got admitted him in Jindal Hospital, Hisar. The pillion rider was wearing a cap and of age 25-30 years. He could not recognize the assailants due to darkness. The shop of

that area were also closed. He does not know enmity of anyone with Subhash. On this statement, case was registered. Later on accused were arrested. After completion of necessary investigation, challan was prepared and presented before learned Area Magistrate.

Copies of challan were supplied to accused free of costs as envisaged under Section 207 Cr.P.C.

Vide order dated 06.01.2010, learned JMIC, Hisar committed the case to the Court of Sessions for trial.

Vide order dated 22.02.2010 all the accused were charge-sheeted under Section 307/34/120-B/212 of IPC and accused Devender was also charge-sheeted under Section 27 of Arms Act to which accused pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as 18 witnesses.

Accused under Section 313 Cr.P.C. denied all the allegations and pleaded that he has been falsely implicated. In defence no evidence was led.

Learned trial Court after appreciating the evidence vide its impugned judgment dated 27.04.2012 convicted the appellant for the offence committed under Section 307 IPC. Vide order of even date, he was sentenced to undergo rigorous imprisonment for seven years and fine of Rs.5000/- for commission of offence under Section 307 IPC. In default of payment of fine, he was sentenced to further undergo rigorous imprisonment for two months.

Learned State counsel has filed custody certificate dated 14.03.2018 issued by Sh. Shahid Hussain, Deputy Commissioner, Central Jail, Ambala, Haryana.

As per the said certificate the appellant has already undergone imprisonment of seven years and two months which includes the imprisonment for non-payment of fine also. He is yet behind the bars in another FIR No. 536 dated 07.09.2009.

Learned legal aid counsel appearing for the appellant submits that since the appellant was involved in a number of FIRs and he is yet behind the bars because of conviction in the other FIRs and in view of the custody certificate produced, the present appeal has been rendered infructuous.

After hearing learned counsel for the parties, no further interference in the present appeal is required, therefore, the present appeal is disposed of as having been rendered infructuous.

17.03.2018

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No