

**CRM-30194-2018 & IOIN-CRA-D-198-DB-2013 in
CRA-D-198-DB-2013**

State of Punjab Vs. Harwinder Kumar and others

**CRM-30172-2018 in
CRA-D-152-DB-2013**

Narinder Kumar Vs. State of Punjab

Present : Mr. H. S. Grewal, Additional Advocate General, Punjab.

Ms. Manpreet Ghuman, Advocate
for the applicant-Harwinder Kumar.

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CRM-30194-2018 & CRM-30172-2018

Learned counsel for the applicant submits that judgment dated 27.07.2018 passed by this Court, in the aforesaid two appeals, should be recalled and the appeals be reheard.

In view of the bar under Section 363 Cr.P.C. the submission will have to be rejected and the same is rejected accordingly.

Both the applications stand dismissed accordingly.

**IOIN-CRA-D-198-DB-2013 in
CRA-D-198-DB-2013**

Respondent-Harwinder Kumar, in custody, produced before us.

Learned counsel for respondent-Ms. Manpreet Ghuman is not ready to argue on the question of quantum of sentence and therefore, we have directly asked the accused, produced before us, as to what he wants to say on the question of award of sentence.

Now, learned counsel for respondent-Harwinder Kumar submits that the respondent is a married person with children and sentence of three years should be awarded to him.

We have considered the submissions made by respondent-Harwinder Kumar as well as his counsel. Section 376(2)(g) IPC in the case of gang rape provides for a minimum sentence of ten years. Therefore, there

is no discretion or power left in the Court to award any sentence below ten years. In that view of the matter, we are unable to impose sentence lesser than ten years. However having given a thought to the entire matter, we make the following order:

ORDER

- (i) The respondent-Harwinder Kumar is sentenced to undergo rigorous imprisonment for a period of ten years with remissions.
- (ii) No separate sentence for fine is imposed which shall be given set off.
- (iii) IOIN-CRA-D-198-DB-2013 in CRA-D-198-DB-2013 stands disposed of.

(A. B. CHAUDHARI)
JUDGE

31st August, 2018
'raj'

(B. S. WALIA)
JUDGE