

CRA-2214-SB-2006 &
CRR-273-2007

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(1.)

CRA-2214-SB-2006
Date of Decision:-02.04.2019.

Bachan Singh and others

.....Appellants

Versus

State of Punjab

.....Respondent

(2.)

CRR-273-2007
Date of Decision:-02.04.2019.

Surinder Singh

.....Appellants

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Arpan Sabharwal, Advocate for
appellant Nos.1 and 3 in CRA-2214-SB-2006 and
for respondent Nos.1 and 3 in CRR-273-2007.

Ms. Simranjeet Kaur, Advocate and
Mr. R.K. Dhiman, Advocate for the petitioner in
CRR-273-2007.

Mr. Ajay Pal Singh Gill, AAG, Punjab.

SHEKHER DHAWAN, J. (Oral)

1 Learned State counsel has placed on file report indicating that
one of the appellant, namely, Harpal Singh, son of Kishan Singh has died
during the pendency of the appeal. In view of the report proceeding against
appellant Harpal Singh stands dropped.

2 The present appeal i.e. CRA-2214-SB-2016 and revision i.e. CRR-273-2007 are taken up together and facts are being taken up from the appeal.

3 Present appeal is directed against the judgment of conviction passed by learned Sessions Judge, Jalandhar on 30.10.2006 for commission of offences under Section 306/323/34 IPC and the appellants were sentenced to undergo 5 years rigorous imprisonment for commission of offences under Section 306 IPC.

4 Learned counsel representing appellants Bachan Singh and Harbhajan Singh *alias* Bhajan Singh contended that the appellants did not challenge the judgment of conviction and appeal against judgment of conviction be dismissed whereas the order of sentence be modified as both the appellants have already undergone actual sentence of 4 years, 09 months and 4; 4 years, 11 months and 26 days, respectively by now.

5 Learned State counsel on the basis of custody certificates of Bachan Singh as well as Harbhajan Singh *alias* Bhajan Singh confirmed the period of detention to be 4 years, 9 months and 4 days; 4 years, 11 months and 26 days, respectively against the awarded sentence of 5 years and both the appellants are not involved in any other case.

6 Having considered the above facts and circumstances and the fact that learned Trial Judge has already appreciated the entire material as well as documentary evidence available on the file and recorded sentence under Section 306 and 323 IPC and there being no challenge against the judgment of conviction, present appeal against judgment of conviction dated 30.10.2006 stands dismissed.

Bachan Singh and Harbhajan Singh *alias* Bhajan Singh, this Court is certainly inclined to take a lenient view. Against the awarded sentence of 5 years under Sections 306 and 323 IPC, the appellants have already undergone 4 years 9 months and 4 days; 4 years, 11 months and 26 days, respectively, their antecedents are of such a nature that they cannot be subjected to enhance punishment in any way. Accordingly, order of sentence is modified to the extent that the sentence awarded to the appellants under Section 306 IPC shall be reduced the period which they have already spent while remaining in custody during the period of trial and appeal proceedings. The appellants No.1 and 3, namely, Bachan Singh and Harbhajan Singh *alias* Bhajan Singh be released from custody in this case, if not required in any other case. The order regarding payment of fine stands unchanged.

8 Resultantly, the appeal is disposed of and revision petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 02, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.