

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-879-SB-2005
Decided on : November 13, 2019

Kuldeep and ors. Appellants

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Mor, Advocate
for the appellants.

Mr. S.S.Pannu, DAG, Haryana.

Manjari Nehru Kaul, J.

The instant appeal has been preferred against the impugned judgment of conviction and order of sentence dated 19/21.04.2005 passed by Addl. Sessions Judge, Fast Track Court, Bhiwani vide which the accused-appellants were convicted and sentenced as under:

<i>Name of Convict</i>	<i>Offence</i>	<i>Period of sentence</i>	<i>Fine imposed</i>	<i>Period of sentence in default of payment of fine</i>
Kuldeep Mohinder Singh Jaibir Singh	148 IPC	Rigorous imprisonment (RI) for two years	Rs.500/- each	RI for two months
	323 read with 149 IPC	RI for six months	-	-
	324 read with 149 IPC	RI for one year	Rs.500/- each	RI for two months
	353 read with 149 IPC	RI for one year	-	-
	332 read with 149 IPC	RI for two years	Rs.500/- each	RI for two months

All the sentences were ordered to run concurrently.

2. Aggrieved against the said judgment, the instant appeal was preferred in the year 2005 and the same was admitted vide order dated 13.05.2005.

3. I have heard learned counsel for the appellants as well as learned State counsel besides going through the evidence and other material available on record.

4. Learned counsel for the appellants at the very outset has very fairly stated that in view of the findings of fact recorded by the court below he would confine his submissions qua the quantum of sentence only. Learned counsel has contended that the occurrence pertains to the year 2002 and the appellants have faced the agony of a protracted trial for almost 17 years. He has further submitted that in the intervening period, the appellants have not committed any other offence and have been leading the life of disciplined and peace loving citizens. It has further been submitted that during the pendency of the instant appeal, the appellants have been fastened with many liabilities. Hence, a lenient view be taken.

5. Custody certificates of the appellants, which have been filed by learned State counsel, do not reflect the involvement of the appellants in any other criminal case. As per the custody certificate of the appellants, Mohinder Singh and Kuldeep have undergone imprisonment of 08 months and 14 days and 08 months and 13 days out of the substantive sentence of 02 years awarded to them while appellant Jai Bir has undergone imprisonment of 11 days out of the substantive sentence of 02 years awarded to him.

6. Keeping in view the facts and circumstances of the case and the

submissions made by learned counsel for the appellants, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the appellants Kuldeep, Jai Bir and Mohinder Singh their substantive sentence of two years imprisonment is reduced to the sentence already undergone by them in this case. The fine imposed upon the appellants is enhanced from Rs.500/- to Rs.1,000/- each under Sections 148 IPC, 324 read with Section 149 IPC and 332 read with Section 149 IPC. Besides this, the appellants Kuldeep and Mohinder Singh are ordered to pay a compensation of Rs.5,000/- each to each of the injured witnesses i.e. Constable Sajjan Kumar and Constable Jagdish. Appellant Jai Bir however, shall pay a compensation of Rs.20,000/- to each of the injured witnesses i.e. Constable Sajjan Kumar and Constable Jagdish since he has undergone just 11 days of imprisonment. It is made clear that in case of non-deposit of fine and compensation with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the appellants and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of compensation, same shall be disbursed to the injured as directed above.

7. With these modifications, present appeal stands disposed of.

November 13, 2019
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No