

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2479-2018 (O&M)

Date of decision: 21.02.2019

Sarban Singh @ Bhola and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. AS Brar, Advocate for the petitioners.

Mr. AS Gill, DAG, Punjab.

Mr. Meharpreet, Advocate for
Ms. GK Mann, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Pursuant to the order dated 01.02.2019, learned counsel for the petitioners have placed on record three receipts dated 13.02.2019, with regard to deposit of costs @ ₹ 10,000/- each by the petitioners, totalling ₹ 30,000/-. The same are taken on record. Be tagged at the appropriate places.

Through instant revision, petitioners, namely; Sarban Singh @ Bhola, Baltej Singh and Shamsher Singh @ Bobby, have laid challenge to judgment dated 07.07.2018 of the Ist Appellate Court, affirming the judgment of conviction and order of sentence dated 13.12.2016 of the trial Court, whereby they along with their co-accused were convicted under Sections 148, 325, 324 and 323 read with Section 149 IPC and sentenced as under:-

<i>Name of Convict</i>	<i>Section</i>	<i>Sentence</i>
Sarban Singh @ Bhola	148 IPC	Only fine of ₹2000/- is imposed and in default thereof, to undergo RI for six months.
	Section 325 read with Section 149 IPC	To undergo RI for one year and to pay fine of ₹2000/-. In default thereof, to undergo RI for six months.
	Section 324 read with Section 149 IPC	RI for six months.
	Section 323 IPC read with Section 149 IPC	Only fine of ₹1000/- is imposed and in default thereof, to undergo SI for six months.
Baltej Singh	148 IPC	Only fine of ₹2000/- is imposed and in default thereof, to undergo RI for six months.
	Section 325 read with Section 149 IPC	To undergo RI for one year and to pay fine of ₹2000/-. In default thereof, to undergo RI for six months.
	Section 324 read with Section 149 IPC	RI for six months.
	Section 323 IPC read with Section 149 IPC	Only fine of ₹1000/- is imposed and in default thereof, to undergo SI for six months.
Shamsher Singh @ Bobby	148 IPC	Only fine of ₹2000/- is imposed and in default thereof, to undergo RI for six months.
	Section 325 read with Section 149 IPC	To undergo RI for one year and to pay fine of ₹2000/-. In default thereof, to undergo RI for six months.
	Section 324 read with Section 149 IPC	RI for six months.
	Section 323 IPC read with Section 149 IPC	Only fine of ₹1000/- is imposed and in default thereof, to undergo SI for six months.

Petitioners have filed CRM-2979-2019, for compounding of offence, on the basis of compromise dated 21.01.2019 (Annexure A-1).

Keeping in view the compromise arrived at between the parties, necessary permission to compound the offence is granted.

Learned counsel for complainant-Jagtar Singh, stated at bar, that he has no objection, in case, sentence of the petitioners is reduced to the period already undergone by them.

Learned counsel for the petitioners submits that he does not challenge the impugned judgments qua conviction of the petitioners on merits. However, he prays that the sentence of the petitioners may be suitably reduced to the period already undergone, in view of compromise Annexure A-1. He also submitted that the petitioners have been facing an ordeal for the last 10 years, inasmuch as, after registration of FIR in the year 2009, a protracted criminal trial has been hanging on their head like a damocle's sword which is also a mitigating circumstance to treat them leniently in the matter of sentence.

Since, the parties have arrived at a compromise and that the same would bring peace and harmony in their relations, this Court is of the view that no useful purpose would be served by keeping the petitioners behind bars any more, inasmuch as, they have already faced a protracted trial for around 10 years suffering great mental agony. Therefore, it is a fit case, wherein sentence awarded to the petitioners can be reduced to the period already undergone. The costs of ₹ 30,000/- i.e. ₹ 10,000/- each imposed upon the petitioners has already been deposited by them with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Consequently, the revision is dismissed qua conviction of the petitioners. The impugned judgments of conviction passed by the Courts below are upheld. Order of sentence dated 13.12.2016 is modified to the extent that the sentence awarded to the petitioners is reduced to the period already undergone. The petitioners be set at liberty, at once, if, not required in any other case.

February 21, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No