

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-28140-2021 in/and
CRA-S-3716-SB-2016
Date of decision: - 27.09.2021

Jaspal Singh @ Pal @ Pali

....Appellant

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Soi, Advocate,
for the applicant-appellant.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-28140-2021

Present application has been filed under Section 389 of the Code of Criminal Procedure for suspension of sentence of the applicant-appellant during the pendency of present appeal.

Learned counsel for the applicant-appellant submits that during the pendency of the present appeal, the applicant-appellant has already undergone the sentence awarded to him. Learned counsel for the applicant-appellant prays that the main appeal, which stands admitted, may kindly be taken up for hearing by preponing the same.

Notice of the application to the respondent.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of application, accepts notice on behalf of the respondent-State.

Keeping in view the joint request of learned counsel for the parties, hearing of the main appeal i.e. CRA-S-3716-SB-2016 is preponed to today and is taken up for hearing.

CM stands disposed of.

CRA-S-3716-SB-2016

Learned counsel for the appellant submits that the appellant has already undergone the sentence for a period of 7 years awarded to him by learned Additional Sessions Judge, Patiala, vide judgment of conviction and order of sentence dated 26.08.2015. Learned counsel for the appellant further submits that apart from sentence of 7 years, fine amounting to Rs.50,000/- was also imposed upon the appellant, out of which Rs.40,000/- was to be paid to the victim and in case of failure to do so, the appellant was required to undergo simple imprisonment for further 6 months. Learned counsel for the appellant argues that the present appeal may kindly be allowed by reducing the fine to Rs.40,000/- to be paid to the victim only.

Learned State counsel raises no objection for the grant of said prayer of learned counsel for the appellant for reducing the fine by Rs.10,000/-.

I have heard learned counsel for the parties and have gone

through the record with their able assistance.

As the present appeal is not pressed on merits by learned counsel for the appellant and the appellant has already undergone the sentence during the pendency of this appeal, the order dated 26.08.2015, passed by the learned Additional Sessions Judge, Patiala is modified to the extent that the fine imposed upon the appellant is reduced from Rs.50,000/- to Rs.40,000/-, to be paid to the victim only.

Let the fine of Rs.40,000/- be paid to the victim within a period of one month from today and a proof of the same be placed before this Court.

Present appeal is disposed of in above terms.

September 27, 2021
naresh.k

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No