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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-3969-SB-2013
Date of Decision : 20.01.2023**

Satpal @ Sattu

..... Appellant

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Tarundeep Kumar, Advocate
for the appellant.

Ms. Kirti Singh, DAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. Custody certificate has been filed which is taken on record.
2. The present appeal is directed against the judgment dated 30.09.2013, passed by the learned Sessions Judge, Fatehabad, vide which appellant Satpal @ Sattu was convicted under Sections 332, 353 and 307 read with Section 34 IPC for voluntarily causing injury to one EHC Dariya Singh while he was discharging his duties as a public servant. The appellant is also alleged to have fired upon him with a countrymade pistol as a result of which he was convicted under Section 25 of the Arms Act also. Vide order of sentence of even date, the appellant was sentenced to undergo rigorous imprisonment for 01 year alongwith fine of Rs.1,000/- on each count under Sections 332 & 353 read with Section 34 IPC and

Section 25 of the Arms Act and rigorous imprisonment for 05 years and to pay a

fine of Rs.10,000/- under Section 307 read with Section 34 IPC. In default of payment of fine further imprisonment was also ordered.

3. At the outset, learned counsel for the appellant submits that as per the custody certificate filed in the Court today and as per his instructions, the appellant has already been released after the completion of his sentence. He also states that he does not challenge the judgment of conviction on merits as the question is merely academic now. He also submits that the amount of fine also stands deposited.

4. On the other hand, learned counsel for the State has, though admitted the fact that the appellant has been released after completion of his sentence, it has been submitted that the sentence had been completed after including the remission of 08 months and 25 days and that the actual undergone period is 04 years 03 months and 05 days. It has further been submitted that there is no illegality or infirmity in the judgment of the trial Court and that the prosecution had proved its case beyond reasonable doubt.

5. I have heard learned counsel for the parties and have perused the case file.

6. The allegation against the appellant was that on the intervening night of 09/10.06.2011, while one EHC Dariya Singh was performing general duties with one Constable Rajiv Kumar as a rider on a police motorcycle, they came across four young boys wandering near a car in Kath Mandi Mohalla, Fatehabad. Suspecting that the boys may be wanting to commit a theft, the police officials stopped to make some inquiries from them. The appellant is alleged to have fired upon the police officials with a pistol with an intention to kill them. EHC Dariya Singh was injured after which the assailants fled from the spot. The appellant was arrested on 04.07.2011 alongwith his co-accused. After completion of

commenced. The prosecution examined 22 witnesses to prove its case which included both EHC Dariya Singh, who appeared as PW12 and Constable Rajiv Kumar, who appeared as PW14. After examining the whole case, the trial Court passed the judgment of conviction and order of sentence as has been mentioned in the opening part of the judgment.

7. I have perused the judgment passed by the learned trial Court and find that the same is well reasoned and based upon the correct appreciation of the evidence led by the prosecution as also the law on the subject. The prosecution was successful in proving its case against the appellant beyond reasonable doubt. The judgment, therefore, does not call for any interference and the same is upheld in so far as the conviction of the appellant is concerned.

8. Coming to the sentence, as per the custody certificate filed in the Court today, the appellant has been released on 08.06.2019 on the expiry of his sentence. As per Column No.7 of the custody certificate, the actual undergone period including custody as under trial is 04 years 03 months and 05 days and earned remission + GR were of 08 months and 25 days. The total sentence undergone was, therefore, of 05 years. Since the appellant has already been released on expiry of his sentence on 08.06.2019, no further orders are required to be passed with regard to the sentence. In so far as the conviction is concerned, the same has already been upheld in the preceding paragraphs.

9. With the aforesaid observations, the present appeal is disposed of.

(VIKRAM AGGARWAL)
JUDGE

20.01.2023
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No