

Gurjant Singh and others

.....Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sunil Saharan, Advocate as Amicus Curiae
for the appellants.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Challenge in the present appeal is to the judgment/order dated 21.08.2004, passed by the learned Additional Sessions Judge (Adhoc), Fast Track Court, Sangrur, whereby appellants were convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
307/34 IPC	RI for five years	Rs.1,000/-	RI for two months

2. Succinctly the facts are that, Pargat Singh-complainant made a statement to the police that on 09.12.1999, one Des Raj had inflicted knife blows on the person of Kulwant Singh on account of dispute of land in their village. He tried to rescue him but the aforesaid Des Raj had also inflicted knife blows to the complainant. Ruqa was sent to the police station, on the basis of which, an FIR came to be registered against the accused person. When the statement of Kulwant Singh had been recorded, he named three accused persons namely Gurjant Singh, Balwinder Singh and Darshan Singh and all of them were summoned under Section 319 Cr.P.C. to face trial.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-appellants and the case of the accused-appellants was committed to the Court of Sessions. On finding a prima

facie case, charges under Sections 307, 324, 34 IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution in order to bring home the guilt of the accused examined as many as 13 PWs. On closure of their evidence, statements of the accused were recorded under Section 313 Cr.P.C. They denied all the incriminating circumstances that appeared against them in the prosecution case while pleading false implication. In defence, they examined two witnesses.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellants as noticed above.

6. Aggrieved appellants are before this Court.

7. Learned counsel submits that accused Balwinder Singh and Darshan Singh, who were summoned alongwith appellant Gurjant Singh under Section 319 Cr.P.C., have since expired. The allegation against aforesaid Gurjant Singh is of having given a kirch blow at the back of Kulwant Singh and as per the medical opinion, the same was declared simple in nature. However, he gives up challenge to the conviction and prays for reducing the sentence awarded to the appellant to the period already undergone, it being 3 years, 04 months and 1 day including remission, on the ground that he is the sole breadwinner of the family; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial for the last 25 years.

8. On the other hand, learned State counsel submits that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the appellant, therefore, prays for the dismissal of the present appeal. He, however, affirms the non-involvement of the appellant in any other criminal case and the period undergone by him.

9. Heard the learned counsel on either side and perused the record.

10. In pursuance of order dated 13.12.2023, learned State counsel filed the

status report regarding death of appellant Nos. 2 and 3, which is taken on record. In terms of the same, appeal qua the said appellants stands abated.

11. Evidently, PW7-Kulwant Singh, in his deposition specifically named the appellants and their roles of having caused injuries to him. The MLR of the injured were also proved by PW1-Dr. R.P. Jindal. On going through the evidence on record, the prosecution has proved the case against the appellants. Thus, the trial Court has rightly convicted the appellants, therefore, there is no scope for interference in the findings recorded and conclusion arrived at. As such, conviction of appellant No.1 is upheld.

12. Insofar as the prayer for reducing the sentence of the appellant to the period already undergone is concerned, it would be worthwhile to make a reference to the judgment in **Surinder Singh vs. State (UT of Chandigarh)**, 2021 SCC OnLine SC 1135, wherein the accused was convicted under Section 307 IPC and Hon'ble the Supreme Court reduced the sentence of three years to 3 months and 19 days, by considering that the occurrence took place in 1999 and he was not a habitual offender, rather a first-time convict.

13. Furthermore, in **Mohinder Singh and another vs. State of Punjab**, 1987 Supp SCC 65 the sentence of co-accused, convicted under Section 307 IPC, was modified by holding that no useful purpose will be served by sending him to jail after 12 years from the date of incident, in view of the fact that he was only 20 years old at that time.

14. In **Shankar Lal vs. State of Rajasthan** 1992(3) Crimes 411, the accused was convicted under Section 307 IPC and sentenced for three years, the High Court, by enhancing the fine, to be paid to the injured, reduced his sentence to the period already undergone by him, taking into consideration that he had not committed any other offence. Similarly in **Arjun and Others vs. State of Haryana**, CRA-S-1134-SB-2008, decided on 07.06.2023, the sentence awarded to

the accused-appellants, who were convicted under Sections 323/34, 325/34 and 506 IPC for RI of 2 years, was reduced to the extent of already undergone, while observing that the appellants had already suffered sentence of 1 month, 13 days and 15 days respectively and faced the agony of trial for almost 17 years.

15. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon’ble the Supreme Court had observed that, “Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [Maru Ram v. Union of India, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]”.

16. Humanistically viewing, the appellants having suffered the ignominy of trial since long; successfully warded off his crime-proneness-an evident learning of a lesson; his socio-economic circumstances, this Court finds extenuation to be implicit. Thus, it would serve the ends of justice to reduce his sentence to the period already undergone, however, keeping the fine intact.

17. The order of sentence dated 21.08.2004 is modified to the aforesaid extent and as such, the present appeal stands partly allowed.

31.01.2024
Hemant

(**AMAN CHAUDHARY**)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No