



101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-671-SB-2004 (O&M)
Date of Decision: April 30, 2025

Jagir Singh Appellant

Vs.

State of Punjab RESPONDENT

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anmol Jeevan Singh Gill, Advocate for the appellant.

Mr. Rajeev K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J.

In a case arising out of FIR No.56 dated 17.05.2000, registered at Police Station Gharinda, under Sections 302, 307, 449, 506, 147, 148, 149, 120-B, besides Sections 25 & 27 of the Arms Act, as many as 10 accused faced trial. All 10 of them including the present appellant – Jagir Singh were convicted under Section 144 IPC. One of the accused – Sukhchain Singh was also convicted under Section 302 IPC for committing the murder of Amarjit Singh; whereas another co-accused, namely, Sukhwinder Singh was convicted under Section 302 IPC for committed murder of Harjit Singh. In addition to Section 144 IPC, appellant – Jagir Singh was also convicted under Section 307 IPC for murderous assault on Kuldip Singh and others, besides Section 27 of the Arms Act. Sukhchain Singh and Sukhwinder Singh were sentenced to life imprisonment besides fine; whereas present appellant – Jagir Singh was sentenced by learned Addl. Sessions Judge (Ad hoc), Amritsar vide order dated 04.03.2004, which is as under:-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
1.	144 IPC	01 year	--	--
2.	307 IPC	05 years	₹1,000/-	R.I. for 01 month
3.	27 Arms Act	06 months	--	--

All the sentences were directed to run concurrently.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. It has been informed today by learned counsel for the appellant that Sukhchain Singh and Sukhwinder Singh, who had been convicted under Section 302 IPC had filed separate appeals and both those appeals have since been disposed of. He has placed on record the copy of the case status retrieved from the website of this High Court in this regard. Said factual position is not disputed by learned State counsel.

4. Today learned counsel for the appellant stated further that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

5. Learned counsel points out that offence pertains to the year 2000, i.e., more than 24 years back; that appellant has already undergone actual sentence of 04 years, 11 months and 27 days out of total sentence of 05 years and is not involved in any other case and so, he deserves to be sentenced for the period already undergone by him.

6. Learned State counsel has not seriously objected to the aforesaid prayer.

7. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 04 years, 11 months and 27 days, which is only 03 days less than the total sentence of 05 years awarded to him. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case.

8. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.

9. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him.

10. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

April 30, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No