



CRA-S-411-SB-2005 (O&M)
CRA-S-412-SB-2005(O&M)

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

301(2 cases)

CRA-S-411-SB-2005 (O&M)
Date of Decision: 03.11.2025

(1)

Balkar Singh

.....Appellant

Versus

State of Punjab

..... Respondent

2.

Ajaib Singh

CRA-S-411-SB-2005 (O&M)

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Veneet Sharma, Advocate for the appellants.

Mr. I.P.S. Sabherwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This common judgment shall decide both the appeals listed above, as they both stem from the same impugned judgment dated 04.02.2005 passed by learned Sessions Judge, Amritsar.

2. The brief history giving rise to instant appeals is that on 04.02.2005, the judgment of acquittal was passed by learned Sessions Judge, Amritsar and all the accused prosecuted in the case were acquitted. However, while concluding the judgment, the learned Sessions Judge observed that the



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appellants who had appeared during the course of trial as witnesses had given a false statement and therefore by invoking the jurisdiction vested in the Court by virtue of Section 344 Cr.P.C. the appellants were sentenced to pay a fine of Rs.500 and to undergone imprisonment for a period of one month.

3. Aggrieved of the impugned order, these appeals have been preferred by the appellants, firstly on the ground that the learned Sessions Judge, without appreciating the facts and circumstance vis-à-vis relevant law has punished the appellants and secondly the sentence awarded to the appellants is disproportionate to the offence allegedly committed by the appellants.

4. Heard.

5. It has been contended on behalf of the appellants that although the appellants have preferred these appeals on merits of the judgment of conviction vis-à-vis on order of sentence, yet at this stage, the appellants are pressing the instant appeals only on the point of quantum of sentence.

6. According to learned counsel for the appellants, the appellants have already suffered a lot of agony for being prosecuted and then convicted and then facing protracted trial for the last 21 years. According to learned counsel they for the appellant, the only fault attributed to the appellants is that they who were cited as witnesses by the prosecution in a case did not support the prosecution case. According to learned counsel for the appellants, the learned Sessions Judge committed an error when he failed to appreciate the fact that no false statement was got recorded by the appellants and that the previous statement relied upon by the prosecution was only the statement recorded by the police under Section 161 Cr.P.C. which was never signed by the appellants.



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7. In addition to above, the learned counsel for the appellants has also argued that the maximum punishment prescribed for the offence has been awarded to the appellants and that fine has already been paid by the appellants. According to learned counsel for the appellants the appellants are law abiding citizen who have never faced any kind of prosecution either in the past or during the pendency of present case and therefore he deserves a lenient view.

8. *Per contra*, the learned State counsel has argued that the allegations against the appellants are that they deposed falsely before the Sessions Court while appearing as a witness. As per learned State counsel, for have telling a lie in the Court the appellants have been rightly prosecuted and convicted. Learned State counsel has argued that the appellants do not deserve any lenient view and there is no scope for interference in this case either on merits of the case or on the point of quantum of sentence.

9. The record has been perused carefully.

10. In the present case, as the appellants have opted not to press this appeal on the merits of the case, the finding returned by the learned Trial Court with regard to conviction of appellants, judgment of conviction rendered by learned Trial Court is hereby upheld. Hence qua above mentioned judgment, the appeal is hereby dismissed.

11. As far as the quantum of sentence is concerned, keeping in view the fact that the maximum sentence prescribed for the commission of offence punishable under Section 344 Cr.P.C. a fine of Rs.500/- and imprisonment for a period of three months and that the appellants have been awarded both the sentences. In my opinion, the appellants deserve a lenient view in view of following reasons:-

- (i) that the appellant if not a previous convict;



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- (ii) that the appellants are facing agony of present trial for the last more than 20 years; and
- (iii) that the sentence of Rs.500/- in the year 2004 itself was enough punishment for the offence committed by the appellants.

12. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the sentence awarded by the learned Trial Court is on higher side and therefore there is need for indulgence and interference of appellate jurisdiction of this Court with regard to quantum of sentence awarded to the appellants. In the given facts situation, it is hereby held that the sentence of paying fine for a sum of Rs.500/- is sufficient to meets the ends of justice.

13. Hence, by partly accepting the present appeal i.e. qua the quantum of sentence, the order passed by the learned Trial Court on the point of quantum of sentence is modified to the extent that the appellants shall stand convicted and punished to pay a fine for a sum of Rs.500/- only for the commission of offence punishable under Section 344 Cr.P.C. With regard to sentence of undergoing imprisonment, the order passed by the learned Trial Court is hereby set aside.

14. With the above mentioned observations the present appeals stand partly allowed.

(SURYA PARTAP SINGH)
JUDGE

03.11.2025

Kapil

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