

(2012) 09 P&H CK 0255

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. 22981 of 2012 and CRM No. 47938 of 2012 in CRA-S No. 1049-SB of 2012

Bikkar Singh and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Sept. 13, 2012

Acts Referred:

- Penal Code, 1860 (IPC) - Section 148, 149, 307, 324

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Harpreet Singh Gharuan, for the Appellant; V.P.S. Sidhu, AAG, Punjab and Ms. Satwant Mehta, Advocate, for the Respondent

Final Decision: Allowed

Judgement

Naresh Kumar Sanghi, J.

This order shall dispose of CRM Nos. 22981 and 47938 of 2012., In CRM No. 22981 of 2012, prayer for suspension of sentence of the applicant-appellant Nos. 1 to 4 and 7, during the pendency of the appeal, has been made. In CRM No. 47938 of 2012, a similar prayer in respect of the applicant-appellant No. 6 has been made. The applicant-appellant Nos. 1 to 4, 6 and 7 were held guilty for the offences punishable under Sections 148, 307 and 324 read with Section 149, IPC, and sentenced as under:

2. All the substantive sentences were ordered to run concurrently.

3. Learned counsel for the applicant-appellant Nos. 1 to 4, 6 and 7 submitted that the main injury attracting the mischief of Section 307, IPC, has been attributed to appellant No. 5, Angrej Singh. He further submitted that the appeal is not likely to be heard in near future due to heavy pendency of cases. He further submitted that

the applicant-appellant Nos. 1 to 4, 6 and 7, have already suffered adequate incarceration out of the maximum awarded sentence of four years.

4. Learned counsel for the State has placed on record the affidavits of Balkar Singh Bhullar, Superintendent, Sub Jail, Patti, showing the period of incarceration suffered by the applicant-appellant Nos. 1 to 4, 6 and 7, which are taken on record.

5. Heard.

6. Perusal of the affidavits reveal that as on 12.9.2012, the applicant-appellant Nos. 1 to 4, 6 and 7, have suffered the incarceration as under:

7. It has come on record that the main injury attracting the mischief of Section 307, IPC, has not been attributed to the applicant-appellant Nos. 1 to 4, 6 and 7. The appeal is of the year 2012. Keeping in view heavy pendency of the roster, the same is not likely to be heard and decided in the near future. Keeping in view the totality of the circumstances of the case and the fact that the applicant-appellant Nos. 1 to 4, 6 and 7 are neither required nor involved in any other case, the present criminal miscellaneous applications, bearing CRM Nos. 22981 and 47938 of 2012 in CRA-S No. 1049-SB of 2012 are allowed. The execution of the remaining substantive sentence of the applicant-appellant Nos. 1 to 4, 6 and 7, namely, Bikkar Singh son of Dara Singh; Nishan Singh son of Bikar Singh; Chanan Singh son of Gurbaj Singh; Joginder Singh son of Samud Singh; Balkar Singh son of Dara Singh; and Parget Singh son of Kabal Singh, are ordered to be suspended during pendency of the appeal, subject to their furnishing respective bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.