

## Bikkar Singh and Others Vs State of Punjab

**Court:** High Court Of Punjab And Haryana At Chandigarh

**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.