
Gurjit Singh and Others Vs State of Punjab

Criminal Misc.No.26776 of 2013 in Criminal Appeal No.S-356-SB of 2013

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 3, 2013

Acts Referred:

Arms Act, 1959 & Section 25#Penal Code, 1860 (IPC) & Section 148, 149, 307, 324

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: I.S. Brar, for the Appellant; Sandeep Chhabra, DAG, for the Respondent

Final Decision: Allowed

Judgement

Naresh Kumar Sanghi, J.

Prayer in this application is for suspension of sentence of appellant Nos. 3 and 4, namely, Manoj Singh @

Nikku and Sarabjit Singh @ Kukkar, respectively, who were held guilty for the offences punishable under Sections 148, 307, 324 read with

Section 149, IPC and Section 25 of the Arms Act, and ordered to undergo the following sentences:

All the substantive sentences were ordered to run concurrently.

2. Learned counsel contends that applicant/appellant Nos. 3 and 4 have suffered incarceration for approximately two years; and that the injury

attracting the mischief of Section 307, IPC, has not been attributed to them.

3. Learned counsel for the State has produced the affidavits of the Superintendent, Central Jail, Bathinda, showing the period of incarceration

suffered by the applicants. A perusal of the same reveals that both the applicants have suffered incarceration of 01 year, 11 months and 15 days as

on date. The applicants have not been attributed the injury, attracting the mischief of Section 307, IPC. Keeping in view the totality of the facts and

circumstances of the case, the period of incarceration suffered by the applicants/appellants and the role assigned to them, the present application is

allowed. The remaining substantive sentence of applicant Nos. 3 and 4, namely, Manoj Singh @ Nikku, s/o Gulab Singh, r/o Partap Nagar, Gali

No. 29, Bathinda, and Sarbjit Singh @ Kukkar, s/o Atma Singh, r/o Chandsar Basti, Bathinda, is ordered to be suspended during the pendency

of the present appeal, subject to their furnishing bail bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.