Jagbir Singh Vs State of Haryana

CRM No. 22142 of 2016 in CRA No. D-126-DB of 2013

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 18, 2016

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) - Section 389#Penal Code, 1860 (IPC) - Section 304B, Section 34, Section 406, Section 498

Citation: (2017) 1 RCRCriminal 598

Hon'ble Judges: S.S. Saron and Lisa Gill, JJ.

Bench: Division Bench

Advocate: Vivek Khatri, Advocate, for the Applicant; R.K. Makkad, DAG, Haryana, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. Learned State Counsel has filed custody certificate verified by Sh. Ashok Kumar, Deputy Superintendent of District Prison, Karnal mentioning

the period of imprisonment undergone by Jagbir Singh (applicant/appellant No.1). The custody certificate is taken on record.

2. The sentence of imprisonment of Mahender Singh (appellant No.2) and Premo (appellant No.3) has been suspended by this Court vide order

dated 17.3.2016 (Annexure A1). The facts have been recounted in the said order.

3. The FIR in the case stands registered on the dying declaration made by Pooja before the learned Chief Judicial Magistrate, Rohtak. However,

during trial of the case Mandeep (PW-4), brother of the deceased did not support the prosecution case. Besides, Narender (PW-5), cousin of the

deceased, Satbir Singh (PW-6), father of the deceased and Bohti Ram (PW-7) an uncle of Mandeep (PW-4) made statements to the effect that

Pooja (deceased) had suffered burn injuries as the stove had burst while she was cooking her meal. The effect of the same would require

consideration viz-a-viz the dying declaration made by Pooja.

4. According to the affidavit that has been filed, the applicant/appellant No.1 has undergone actual imprisonment of five years, nine months and ten

days as on 17.11.2016. This includes imprisonment of three years, nine months and four days post-conviction.

5. In the case of Dharam Pal v. State of Haryana, 1999 (4) RCR (Crl.) 600 (DB) (P&H), it has inter alia been held that life convicts who

have undergone five years of imprisonment of which three years should be after conviction, should be released on bail pending hearing of the

appeal. The said guidelines have been met in the present case. For the reasons recorded in the order dated 17.3.2016 (Annexure A1), it would be

just and expedient to suspend the sentence of imprisonment of Jagbir Singh (applicant/appellant No.1) as well.

6. Accordingly, the Crl. Misc. application is allowed and the sentence of imprisonment of the applicant/appellant No.1 - Jagbir Singh shall, during

pendency of appeal, remain suspended subject to his furnishing personal bond and surety to the satisfaction of the learned Chief Judicial

Magistrate, Panipat.