



353 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1037-SB-2006

Date of Decision: July 04, 2025

Bachint Singh and others ... Appellants

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Rattan Lamba, Advocate for appellant No.1.

Mr. A.S. Kang, Legal Aid Counsel for appellants Nos.2 and 3.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Three appellants - Bachint Singh, Modan Singh and Teji Singh @ Tejpal Singh along with one Raja Singh were tried by learned Addl. Sessions Judge (Adhoc), Fast Track Court, Bathinda, in a case arising out of FIR No.31 dated 11.03.2003, registered under Sections 307, 324, 323, 34 IPC, at Police Station Nathana. After trial, the three appellants were convicted and sentenced as under:-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
1.	307/34 IPC	05 year	₹1,000/-	R.I. for 01 month
2.	326 IPC	02 years	₹500/-	R.I. for 01 month
3.	325 IPC	01 year	₹500/-	R.I. for 01 month
4.	324 IPC	06 months	-	-

All the substantive sentences were directed to run concurrently.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Learned State counsel has filed affidavit of Shri Ravinder Singh, Deputy Superintendent of Police, Sub Division, Bhucho, District Bathinda,

affirming the death of appellant No.2 - Modan Singh. The said report is also supported by the Death Certificate of Modan Singh. As such, proceedings qua appellant No.2 - Modan Singh has been abated.

4. Proceedings qua appellant No.1 - Bachint Singh have already abated. Now only appellant No.3 - Teji Singh alias Tejpal Singh is left, whose appeal is to be considered.

5. Today learned counsel for appellant No.3 stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

6. Learned counsel points out that offence pertains to the year 2003; that appellant was young person of 25 years at that time; that appellant has already undergone actual sentence of 01 year and 10 days and so, he deserves to be sentenced for the period already undergone by him.

7. Learned State counsel has not seriously objected to the aforesaid prayer.

8. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 01 year and 10 days. It is revealed further that one more case under the Excise Act is pending against him, but in that case, he is on bail. He was young boy of 25 years of age at the time of offence, which had taken place way back in 2003 i.e. 22 years back.

9. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.

10. Consequently, the present appeal qua appellant No.3 - Teji Singh @ Tejpal Singh is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him.

11. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

July 04, 2025

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**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No