

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRA-S-749-SB-2004
Date of Decision: 31.03.2018**

Jagtar Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kamal Grover, Advocate
for the appellant.

Mr. I. P. S. Doabia, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

Appellant-Jagtar Singh assailed the judgment of conviction dated 12.12.2003 and order of sentence of the even date passed by the Additional Sessions Judge, Bathinda, whereby he was convicted for committing offence punishable under Section 306 of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for a period five years and to pay a fine of ₹2000/- and in default of payment of fine, to further undergo imprisonment for one year.

In brief, the facts, as per prosecution, are that the daughter of the complainant, namely Sukhjit Kaur, was married to Jagtar Singh, the appellant herein. Out of this wedlock, one son and two daughters were born. The complainant, father of Sukhjit Kaur, alleged that his daughter was being maltreated by her in-laws and on several occasions, she was turned out of the matrimonial home after having been beaten up. However, he used to

send his daughter back to her matrimonial home with requests. About four months prior to the incident, the deceased was turned out by her husband and parents-in-law along with two minor children after giving her beatings. The deceased remained at her parental home for about one month and thereafter, the complainant along with his daughter, Krishan Kumar son of Moman Ram, his son Malkiat Singh, his relative Chand Singh Ex. Member Panchayat and Surjit Singh, Member Panchayat of village Bahot Yatri went to the house of in-laws of Sukhjit Kaur. The husband and parents-in-law were present in the house and they were requested not to harass Sukhjit Kaur. However, eventually on 05.08.2001, his daughter gave a message to him on phone that there was no change in the behaviour of her husband and parents-in-law. On this, the complainant along with Chand Singh reached the matrimonial house of Sukhjit Kaur. On reaching over there, they found that Sukhjit Kaur was lying on a cot under a *Neem* tree and she was convulsing. When they inquired from her, she disclosed that being fed up of the daily harassment, taunting and beatings, she had consumed insecticide. The complainant sent Chand Singh for making some arrangement for transportation, however, before he could arrive, Sukhjit Kaur died. The above statement was made by the complainant to Inspector Des Raj on which a formal FIR was registered and investigation was carried out. After completion of the investigation, challan was presented. Accused were chargesheeted under Sections 306 of the IPC, to which they pleaded not guilty and claimed trial.

Both the parties led their respective evidence and after hearing both the parties and appraising the entire material and evidence on record, learned trial Court convicted appellant-Jagtar Singh as mentioned in the

earlier part of this judgment, however, accused Mastan Singh and Mukhtiar Kaur were acquitted.

Counsel for the respondent-State filed custody certificate today in Court which is taken on record.

After arguing for some time, learned counsel for the appellant-accused contended that the appellant was sentenced to undergo rigorous imprisonment for a period of 05 years and he has already undergone 04 years, 02 months and 07 days inclusive of remissions which is evident from the custody certificate so filed. Hence, under these circumstances, he does not want to contest the findings of the learned trial Court recorded on the merits of the case, however, prays for reduction of the sentence to the one already undergone by the appellant as the accused-appellant has already faced protracted trial.

Learned Counsel for the respondent-State contested the appeal by arguing that the appellant used to harass his wife, the deceased, hence, his sentence should not be reduced.

I have heard learned counsel for the parties and with their assistance perused the case file.

From the custody certificate, placed on file today in the Court, it is evident that the appellant has already undergone 04 years, 02 months and 07 days sentence inclusive of remissions. The total period of sentence awarded is 05 years. The case is of the year 2003. The appellant has faced protracted trial. During this period of 15 years, the appellant has undergone agony of trial. The total period of sentence awarded to him was 05 years, out of which he had already undergone substantive period of his sentence.

Under these circumstances, I am of the considered view that the ends of

justice would be met in case the order of sentence is modified by reducing the sentence of the appellant to the one already undergone.

Accordingly, while maintaining the judgment of conviction dated 12.12.2003, the order of sentence of the even date is modified by reducing the same to the one already undergone by the appellant. However, the sentence of fine shall remain intact.

Disposed of, accordingly.

(JAISHREE THAKUR)
JUDGE

31.03.2018

Waseem Ansari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No