

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5214/2009

(From the judgement and order dated 29/02/2008 in CRLA No.3-SB/1997 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURDEV SINGH

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for bail and office report)

Date: 08/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Ms. Shipra Ghose, Adv. (SCLSC)

For Respondent(s) Mr. Manjit Singh, AAG

Mr. Kamal Mohan Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Having regard to the facts of the present case and, in particular, the old age of the appellant, we think the ends of justice will be met if while upholding the conviction of the appellant, he is sentenced to the period already undergone by him. We order accordingly. The appellant is in custody. He shall be released from custody forthwith if not required in connection with any other case. The amount of fine, if not already deposited, shall be a condition precedent for release of the appellant from jail.

The appeal stands disposed of in terms of the signed order.

(Ajay Kr. Jain)

(Indu Satija)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 440 OF 2010
(Arising out of SLP(Crl.) No. 5214 of 2009)

Gurdev Singh

.... Appellant

Versus

State of Haryana

.... Respondent

O R D E R

Heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the judgment and order dated 29.02.2008 of the High Court of Punjab & Haryana at Chandigarh whereby the appeal filed by the appellant has been dismissed and his conviction and sentence has been upheld by the learned Single Judge.

Facts in detail have been given in the impugned judgment and order and hence we are not repeating the same here. Suffice it to say that the appellant was convicted by the Addl. Sessions Judge, Hisar for the offence punishable under Section 307 IPC and was sentenced to undergo rigorous imprisonment for a period of 7 years, and to pay a fine of Rs.10,000/- and in default of payment of fine to undergo rigorous imprisonment for a period of one year. It was further directed that out of the amount of fine, if deposited, a sum of Rs. 5,000/- be paid as compensation to Sakuntala Rani, injured.

By order dated 21.07.2009, this Court issued notice limited to the quantum of sentence only.

We have heard learned counsel for the parties. Learned counsel for the appellant submitted that the appellant is about 78 years of age and is suffering from various ailments.

Having regard to the facts of the present case and, in particular, the old age of the appellant, we think the ends of justice will be met if while upholding the conviction of the appellant, he is sentenced to the period already undergone by him. We order accordingly. The appellant is in custody. He shall be released from custody forthwith if not required in connection with any other case. The amount of fine, if not already deposited, shall be a condition precedent for release of the appellant from jail.

The appeal stands disposed of in the above terms.

.....J.

(MARKANDEY KATJU)

.....J.
(R.M. LODHA)

NEW DELHI;
MARCH 08, 2010