

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).7572/2009

(From the judgement and order dated 02/04/2009 in CRLA No. 256/2008 & CRLM No. 16754/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURSEWAK SINGH & ANR.	Petitioner(s)
VERSUS	
STATE OF PUNJAB TR.S.H.O	Respondent(s)
(With appln(s) for exemption from filing O.T.,bail,suspension of sentence and office report)	

Date: 09/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)	Mr. Premjit Singh Dhaliwal, Adv. Mr. Amit Kumar, Adv. Mr. Nitin Bhatia, Adv. Mr. Rakesh K. Sharma, Adv.
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For Respondent(s)	Ms. Madhu Twatia, Adv. Mr. Kuldip Singh, Adv.
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UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed; impugned order is set aside and it is directed that the sentence awarded to the two appellants-Gursewak Singh and Harpal Singh shall remain suspended till the disposal of their appeals subject to their furnishing personal bonds in the sum of Rs.20,000/- each with one surety each in the like amount to the satisfaction of the trial Court.

[Charanjeet Kaur]	[Pushap Lata Bhardwaj]
Court Master	Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2060 OF 2009
(Arising out of SLP(Crl.) NO. 7572/2009)

Gursewek Singh & Anr.	..	Appellant(s)
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Versus

State of Punjab Thr. S.H.O.	..	Respondent(s)
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O R D E R

Leave granted.

This appeal is directed against order dated 2nd April, 2009 passed by the High Court of Punjab & Haryana at

Chandigarh in Crl. Misc. No. 16754 of 2009. By the
impugned order, the High Court has declined to suspend the
sentence awarded to the appellants on their conviction
under Section 326 read with Section 149 of the Indian Penal
Code. They have been sentenced to undergo rigorous
imprisonment for a period of five years.

Having heard learned counsel for the parties and
perused the custody certificate issued by the
Superintendent, District Jail, Faridkot, indicating that as
on 31st August, 2009, the appellants had undergone actual
sentence for a total period of one year, seven months and
six days, we are of the opinion that it is a fit case where
sentence awarded to the appellants deserves to be
suspended.

Accordingly, the appeal is allowed; impugned order
is set aside and it is directed that the sentence awarded
to the two appellants-Gursewak Singh and Harpal Singh shall
remain suspended till the disposal of their appeals subject

..2/-

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to their furnishing personal bonds in the sum of
Rs. 20,000/- each with one surety each in the like amount
to the satisfaction of the trial Court.

The appeal stands disposed of accordingly.

.....J.
[D.K. JAIN]

.....J.
[H.L. DATTU]

NEW DELHI,
NOVEMBER 09, 2009.