

SUPREME COURT OF INDIA

Virsa Singh

Vs.

State of Punjab

CrI.A.No.No.205 of 2008

(B.N. Agrawal and Harjit Singh Bedi JJ.)

26.08.2008

ORDER

1. Heard learned counsel for the parties.

2. Four appellants, along with accused Balwinder Singh and Sucha Singh, were tried and while the aforesaid two person were acquitted by the Trial Court, Appellant No.1-Virsa Singh and Appellant No.4-Balkar Singh along with one Avtar Singh were convicted under Section 307 read with Section 149 of the *Indian Penal Code* [for short, 'I.P.C.'] and sentenced to undergo rigorous imprisonment for a period of four years and to pay fine of Rs.1,000/-; in default to undergo further imprisonment for a period of two months. They were also convicted under Section 325 read with Section 149 I.P.C. and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.250/-; in default, to undergo further imprisonment for a period of one month each. They were further convicted under Section 148 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Appellant No.2-Darshan Singh was convicted under Section 307 I.P.C. and sentenced to undergo rigorous imprisonment for a period of four years and to pay fine of Rs.1000/-; in default to undergo further imprisonment for a period of three months. He was further convicted under Section 326 read with Section 149 I.P.C. and sentenced to under rigorous imprisonment for a period of two and half years and to pay fine of Rs.500/-; in default, to undergo further imprisonment for a period of two months. He was also convicted under Section 325 read with Section 149 I.P.C. and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.250/-; in default; to undergo further imprisonment for a period of one month. This appellant was then convicted under Section 148 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Appellant No.3-Bakshish Singh was convicted under Section 307 read with Section 149 I.P.C. and sentenced to undergo imprisonment for a period of four years and to pay fine of Rs.1,000/-; in default; to undergo further imprisonment for a period of three months. He was further convicted under Section 326 I.P.C. and sentenced to undergo rigorous imprisonment for a period of two and half years and to pay fine of Rs.500/-; in default, to undergo further imprisonment for a period of two months. He was also convicted under Section 325 read with Section 149 I.P.C. and sentenced to undergo rigorous imprisonment for a period of two

years and to pay fine of Rs.250/-; in default, to undergo further imprisonment for a period of one month.

3. He was lastly convicted under Section 148 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. The sentences, however, were ordered to run concurrently. On appeal being preferred by the accused persons, High Court confirmed the convictions and sentences. So far as Avtar Singh is concerned, he did not prefer any appeal. This appeal by the special leave has been filed by the remaining four persons whose convictions have been confirmed by the High Court.

4. The prosecution case has been supported by P.Ws 4,5 and 6 (Bakshish, Mann Singh and Sohan Singh respectively), out of whom P.W.4 is the informant himself. All the three eye-witnesses are injured persons. We have been taken through the evidence of these witnesses. Having perused the evidence of these witnesses, we are of the view that the High Court as well as the Trial Court were quite justified in placing reliance upon their evidence especially when their evidence is corroborated by medical evidence. In our view, the High Court was quite justified in upholding convictions of the appellants.

5. Learned counsel appearing on behalf of the appellants submitted that they have remained in custody for a period of more than one year. In the facts and circumstances of the present case, we are of the view that the ends of justice would be met in case the sentences of imprisonment awarded against the appellants are reduced to the period already undergone.

6. Accordingly, the appeal is allowed in-part and while upholding the convictions of the appellants, sentences of imprisonment awarded against them are reduced to the period already undergone by them. The appellants are directed to be released forthwith, if not required in connection with any other case.