

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 415 OF 2007

JAI BHAGWAN

.....

APPELLANT

VERSUS

STATE OF HARYANA

.....

RESPONDENT

O R D E R

1. We have heard the learned counsel for the parties.
2. The appellant had been convicted under Sections 307/34, 325/34 and 323/34 and awarded a sentence of three years with fine for the first mentioned offence and to lesser terms of imprisonment for the other offences. As of today he has undergone only one day of the sentence. The impugned order of the High Court was made observing that in view of the compromise entered into between the parties, the sentence on the appellant would be till the rising of the Court along with a fine of ₹10,000/-. This order has been challenged by the appellant seeking an outright acquittal.
3. We had issued notice in this matter on the 19th March, 2007 as to why the sentence awarded to the

appellant by the High Court should not be enhanced, as the said order was completely contrary to all principles of law as it trivialised a serious offence. We, accordingly, set aside the order of the High Court dated 19th October, 2006 and remit the case to the High Court for a fresh decision.

4. Pursuant to the non-bailable warrants issued by this Court on the 10th June, 2011, we are told that the appellant has been taken into custody. We, accordingly, direct that he be released on bail to the satisfaction of the Chief Judicial Magistrate, Jhajjar pending the disposal of his appeal by the High Court.

5. Parties are directed to appear before the Registrar(Judicial), High Court of Punjab and Haryana High Court on the 7th September, 2011 to complete the service.

6. The appeal stands disposed of in the above terms.

.....J
[HARJIT SINGH BEDI]

.....J
[GYAN SUDHA MISRA]

NEW DELHI
JULY 22, 2011.