

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1572 of 2007 (O&M)
Date of decision: 27.8.2015

Harchand Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. J.S.Sekhon, AAG, Punjab.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 279, 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 160 dated 31.12.1997, registered at Police Station Kharar. Trial Court vide judgment/order dated 3.3.2004 ordered the conviction and sentence of the petitioner under Section 279, 304-A IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 1.6.2007. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner had taken the injured to the hospital. Petitioner was not a previous convict and was the only bread earner of the family. Petitioner has to look after his children. Learned counsel has further submitted that in terms of the order passed by this Court dated 1.10.2007, petitioner had deposited ₹ 50,000/- before the

Trial Court which could be paid by way of compensation to the heirs of the deceased. Learned counsel for the petitioner has further submitted that the heirs of the deceased have been granted compensation by the Motor Accident Claim Tribunal in the accident claim case. Learned counsel for the petitioner has further submitted that he does not challenge the conviction of the petitioner under Section 279, 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner.

Accordingly, conviction of the petitioner under Section 279, 304-A IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months. The amount of ₹ 50,000/- deposited by the petitioner before the Court of Chief Judicial Magistrate, Rupnagar in pursuance to the order passed by this Court dated 1.10.2007, is ordered to be released to Surinder Kaur, mother of the deceased, forthwith.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

August 27, 2015

Gurpreet