

206

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.1929 of 2015 (O&M)

Date of decision: September 02, 2015

Karnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Chhina, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioner had faced trial in FIR No.191 dated 03.10.2008, under Sections 304-A, 279, 337 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Jandiala.

Trial Court vide orders dated 04.12.2013 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 279, 337, 304-A IPC. The conviction and sentence of the petitioner, as ordered by the trial Court, was upheld by the Appellate Court vide order dated 14.10.2014. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was not apprehended at the spot. No test identification parade had been got conducted qua identification of the petitioner. Postmortem report of the

deceased had not been proved on record. Be that as it may, learned counsel has further submitted that he does not challenge the conviction of the petitioner under Sections 279, 337, 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel has further submitted that the petitioner has undergone more than one year of actual sentence and is not a previous convict and is the only bread-earner of the family.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Sections 279, 337, 304-A IPC is maintained. However, the sentence qua imprisonment of petitioner is reduced to the period already undergone by him. Petitioner who is in custody, be set at liberty forthwith, if not required in any other case, subject to deposit of fine, if not already deposited.

Petition stands disposed of, accordingly.

**(SABINA)
JUDGE**

September 02, 2015
mahavir