

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2077 of 2015 (O&M)
Date of Decision:24.7.2015

Laddi alias Harjinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vipin Mahajan, Advocate for the petitioner.
Mr. B.S. Bhullar, AAG, Punjab for respondent No.1.
Mr. Vishal Munjal, Advocate for respondents No.2 to 5.

NAVITA SINGH, J.

1. This revision is directed against the judgment dated 6.4.2015 passed by Sessions Judge, Gurdaspur, upholding the judgment of conviction and order of sentence dated 3.9.2013 passed by Judicial Magistrate 1st Class, Gurdaspur, whereby petitioner was convicted under Sections 279, 304-A and 427 IPC and the maximum sentence awarded was imprisonment for two years for the offence punishable under Sections 304-A IPC.

2. It is submitted that the matter stood compromised and the counsel appearing for the private respondents affirms the fact. Jasbir Kaur wife of Gurbachan Singh had died in the accident. Respondents No.2 to 5 are the heirs of Jasbir Kaur. They entered into compromise (Annexure P1) with the petitioner stating that they were suitably compensated with money and were paid an amount of Rs.1,00,000/-. They have no objection if the petitioner was released.

3. As per the custody certificate filed today, the petitioner has spent 3 months and 6 days in custody as on 4.7.2015, after which another 20 days have passed.

4. Counsel for the petitioner relied on Puttaswamy Vs. State of Karnataka and another 2009 (1) RCR (Criminal) 501 where Supreme Court allowed compounding of the offences under Section 304-A IPC and reduced the sentence to the period already undergone by the convict. A fine of Rs.20,000/- was directed to be paid, which was to go to the parents of the deceased.

5. In the present case, the petitioner has paid an amount of Rs.1,00,000/-. Therefore, the view of the Supreme Court taken in the above reported case can safely be adopted here.

6. Resultantly, the conviction of the petitioner is maintained while the substantive sentence of imprisonment is restricted to the period already spent by him in custody in this case. Petitioner be released forthwith, if not wanted in any other case.

7. The petition is disposed of accordingly.

(NAVITA SINGH)
JUDGE

24.7.2015
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