

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3559 of 2014 (O&M)
Date of Decision:19.03.2015

Jaswant Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab for respondent No.1.

Mr. Karamjeet Singh Brar, Advocate for
Mr. Ajay Pal Singh, Advocate for respondent No.2.

NAVITA SINGH, J.

CRM No.7441 of 2015

CM is allowed. The LR's of deceased Gurjeet Singh namely Sukhwinder Kaur, Jaspreet Singh and Mandeep Kaur are impleaded as respondents No.3 to 5. Amended memorandum of parties is taken on record which be attached at the appropriate place.

CRR 3559 of 2014

1. This revision is filed against the order of conviction and sentence passed by Additional Sessions Judge, Patiala. Initially, the court of first instance i.e. Sub Divisional Judicial Magistrate, Samana, sentenced the petitioner to rigorous imprisonment for two years and to pay fine of Rs.500/-, in default of which, further rigorous imprisonment for thirty days was to be undergone. The First Appellate Court i.e. Additional Sessions Judge, Patiala, dismissed the appeal and ordered the petitioner to be taken into custody to serve the remaining substantive sentence.

2. Gurjeet Singh had met with an accident on 11.11.2008 and had died on account of rash and negligent driving by the petitioner. The petitioner had fled from the spot. Parties have now settled the matter and the compromise is place on record. The widow, other legal representatives and complainant are present in court who have stated to that effect.

3. Since the compromise has been effected after conviction, it is the view of the Supreme Court that the courts should go slow in adhering to such compromises. It was held by the Supreme Court in Narinder Singh and others Vs. State of Punjab and another 2014 (2) CrL. CC 536 that after conviction, High Court should not accept the compromise during the pendency of the appeal and acquit the accused. Also it was held in Yogendra Yadav and others Vs. State of Kharkhand and another 2014 (9) SCC 653 that where the acquittal of the accused by compounding the offences would send a wrong signal to the society; and public peace and tranquility is involved, the court should not exercise its discretion in favour of compromise.

4. In the present case, on account of rash and negligent driving by the petitioner, the man i.e. Gurjeet Singh had died and it is seen that people are not careful on the road while driving their vehicles. They do not bother about the lives of others and about their own lives.

5. Acceptance of compromise and request for acquitting the petitioner on the basis of compromise are declined.

6. However, out of the total sentence, fine stands paid, while the petitioner has undergone almost five months in custody. He was put behind the bars on 27.10.2014. In such circumstances, the submission made by counsel for the petitioner that he has suffered enough and his sentence may be reduced to the period already undergone is accepted. The conviction of the petitioner is

upheld but the sentence is reduced to the period already undergone. Petitioner be released if not wanted in any other case.

7. Disposed of in the above terms.

(NAVITA SINGH)
JUDGE

19.03.2015
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