

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRR No. 298 of 2015 (O&M)
DECIDED ON: JANUARY 13, 2016

KULDEEP SINGH @ KAKA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Navdeep Chhabra, Advocate
 for the petitioner.

Mr. Rajpreet S. Sidhu, AAG, Punjab.

Challenge in this revision petition is to the judgment of conviction and order of sentence dated October 13, 2012 passed by learned Judicial Magistrate Ist Class, Ludhiana in case FIR No. 87 dated June 15, 2008, under Sections 279, 337, 338, 304-A and 427 IPC registered at Police Station Dakhan, District Ludhiana whereby petitioner has been convicted under Sections 279, 337 and 304-A IPC and sentenced to undergo RI for a period of two years alongwith fine. The said judgment and order of sentence was affirmed by learned Additional Sessions Judge, Ludhiana vide its judgment dated October 31, 2014. All the substantive sentences were ordered to run concurrently.

2. Shortly put, the allegations against the petitioner are that on June 15, 2008 at about 5.30 PM in the area of Police Station Dhaka, he drove bus No. PB-30-D-0125 in a rash and negligent manner, which struck against maruti

van bearing registration No. PB-10-CA-6572 and due to impact of accident Ranju Sharma, Gurcharan Singh and Kunsh Sharma died whereas Richa Gupta, Nisha Sharma, Lokik and Varinder Pal sustained injuries.

3. Here it would be pertinent to mention that at the time of issuance of notice of motion, petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence.

4. The contention of learned counsel for the petitioner is that petitioner is sole bread winner and has to support his entire family. He has also been shunted out from service and is confined in jail for serving out the sentence since the date of his conviction i.e. October 31, 2014. The custody certificate has been produced by learned State counsel. According to which he has already undergone 01 year 04 months and 12 days as on today out of total substantive sentence of 02 years. Otherwise also, he is facing the agony of trial since June 2008.

5. After bestowing due consideration to the aforesaid submissions and considering the entire facts and circumstances, this Court is of the considered view that petitioner deserves some modification in the quantum of sentence.

6. Undoubtedly, petitioner is facing the agony of protracted trial since the date of registration of FIR i.e. June 15, 2008 and is also cooling his heels behind the bars since October 31, 2014. He has to support his family. He is also out of job due to his conviction and sentence in this case. A glance at the custody certificate makes it crystal clear that petitioner has already undergone 01 year 04 month and 12 days as on today out of total substantive sentence of 02 years.

7. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while

affirming the conviction of the petitioner, the order of sentence modified and sentenced to the period already undergone by him. Since the petitioner is on parole at present, he is directed to appear/surrender before Superintendent, Central Jail, Faridkot (Pb.) within a period of one week from receipt of certified copy of this order, for the implementation of this judgment.

JANUARY 13, 2016
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(JASPAL SINGH)
JUDGE