

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2276-2016 (O&M)

Date of Decision: September 9, 2016

Darshan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON’BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Karan Bhardwaj, Advocate,
for Mr. Pradeep Sharma, Advocate,
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This criminal revision has been filed against the concurrent conviction of the petitioner for the commission of offences punishable under Sections 279 and 304-A IPC in FIR No. 121 dated 7.11.2009, registered at Police Station Banur, District Patiala. The trial Court had ordered the petitioner to undergo the following sentences:

Under Section	Sentence (R.I.)	Fine (in Rs.)	In Default (R.I.)
279 IPC	6 months	250/-	10 days
304-A IPC	2 years	750/-	1 month

Both the substantive sentences were ordered to run concurrently.

Learned counsel for the petitioner has argued that he would not press the revision on merits but in view of the decision of Hon'ble the Supreme Court in the matter of **State of Punjab v. Saurabh Bakshi, 2015 (2) R.C.R. (Criminal) 495**, where for causing one death the sentence was reduced to six months and in the present case the petitioner has undergone

eights months and eighteen days sentence as on 8.9.2016 out of the maximum awarded sentence of two years. This is also a case where one death has occurred.

Custody certificate by way of affidavit of the Deputy Superintendent, Central Jail, Patiala, has been filed showing the period of incarceration suffered by the petitioner. Learned Deputy Advocate General has not cited any contrary judgment.

Keeping in view the dictum of Hon'ble the Supreme Court in the matter of **Saurabh Bakshi (supra)** and the fact that the petitioner has served more than eight months in imprisonment, the ends of justice would be met if he is sentenced to undergo imprisonment already undergone by him during the continuation of these criminal proceedings. Ordered accordingly.

Petition stands disposed of.

Since the main case has been decided, the Criminal Miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

September 9, 2016

P Kapoor

Whether Speaking/Reasoned:

✓YES / NO

Whether Reportable:

YES / NO✓