

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

**CRR No.4715 of 2016 (O&M)
Date of Decision: 24.05.2017**

Ranjit Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed the judgment of conviction and order of sentence dated 23.09.2015 passed by Sub Divisional Judicial Magistrate, Anandpur Sahib and the order 08.08.2016 passed by Sessions Judge, Rupnagar vide which the appeal filed by the petitioner was dismissed.

[2]. Petitioner was tried for the offences under Sections 279, 337, 338, 304-A, 427 IPC in FIR No.60 dated 19.05.2010 registered at Police Station Anandpur Sahib.

[3]. Brief facts are that on 18.05.2010, Iqbal Singh was traveling on scooter and was followed by the complainant

Kamaldeep Singh on his separate motorcyle. When Iqbal Singh reached near the near of village Rampur, then the petitioner came on a motorcycle from opposite side in a rash and negligent manner with two pillion riders on the motorcycle and by coming to wrong side of the road hit against the scooter of Ikbal Singh, who fell down and received head injuries and other injuries on his person. Ikbal Singh was the uncle of complainant. He was hospitalized from where he was referred to PGI, Chandigarh. When he was being taken to PGI, Chandigarh, he succumbed to his injuries. FIR was registered on 19.05.2010.

[4]. After investigation challan was presented under Section 279, 337, 304-A, 427 IPC and 181 of the Motor Vehicles Act. Charges were framed to which the petitioner pleaded not guilty and claimed trial. Thereafter prosecution led the evidence. Statement of the accused was recorded under Section 313 Cr.P.C. and then all the incriminating material was put to him. No evidence was led in defence by the petitioner.

[5]. Trial Court on the basis of material on record, convicted and sentenced the petitioner vide judgment dated 23.09.2015 and sentenced him to undergo rigorous imprisonment for six months under Section 279 IPC and to undergo rigorous imprisonment for two years along with fine of Rs.1000/- under Section 304-A IPC.

[6]. Petitioner remained unsuccessful in appeal before the Sessions Judge, Rupnagar, when the same was dismissed on 08.08.2016.

[7]. Vide order dated 19.12.2016 passed by this Court, delay of 38 days in filing the present petition was condoned and the statement of learned counsel for the petitioner was recorded to the effect that the petitioner does not wish to press the petition on merits and learned counsel confined his arguments to the extent of reduction in sentence.

[8]. During course of arguments, it was revealed that the owner of the offending motorcycle had already entered into a settlement with the complainant, but the driver of the offending motorcycle is in custody. Petitioner could not arrange his counsel for filing the crl. revision petition due to his poverty and availed the services of legal aid counsel, who ultimately filed the present petition with a delay of 38 days.

[9]. Today, learned counsel for the petitioner made a statement that the petitioner is not in touch with him since long.

[10]. Learned counsel for the petitioner with reference to the custody certificate on record submitted that the petitioner is not involved in any other case and is the first offender. Learned counsel prays for reduction in sentence on the basis of **State of**

Punjab vs. Saurabh Bakshi, 2015 RCR (Crl.) 495, wherein the Hon'ble Apex Court in similar circumstances reduced the sentence from 1 year to 6 months.

[11]. Learned counsel also relied upon judgment dated 30.05.2016 passed in **CRR No.1367 of 2016** titled '**Ishwar Singh vs. State of Haryana**' and judgment dated 10.02.2016 passed in **CRR No.2976 of 2015** titled '**Mehar Singh vs. State of Haryana**' to the effect that even if, judgment of conviction and order of sentence are not to be opened on merits, still the Court can interfere on the quantum of sentence in view of period already undergone by the accused.

[12]. I have heard learned counsel for the parties.

[13]. As per custody certificate, the petitioner has undergone more than 10 months of actual sentence, out of total sentence of 2 years.

[14]. In view of facts and circumstances of the case, I am of the view that case of the petitioner can be considered for reduction in sentence. Keeping in view the period of sentence already undergone by him, it would be just and expedient to reduce the sentence of the petitioner to 1 year. Ordered accordingly.

[15]. Consequently, petitioner shall be released after

completing the total period of sentence of 12 months including the benefit of remission period, if any in accordance with law.

[16]. Petition stands disposed of.

May 24, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No