

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-640-2017

Date of decision : 01.05.2017

Gurcharan Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Liaqat Ali, Advocate
for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J.(ORAL)

Pursuant to the order dated 28.03.2017, impleading respondent no.2, i.e. the complainant in the FIR, and ordering notice to be issued to him, as per the report of the Registry, he could not be served as he had left service at the place where he was working, i.e. as a Guard at an SBI, ATM.

Learned counsel for the petitioner submits that in fact the said respondent is also in custody in connection with some other case, in the Patiala Jail.

It is seen that the petitioner has been sentenced to 1 years' imprisonment, for the commission of an offence punishable under Section 338 IPC and for 6 months each in respect of the offences committed punishable under Sections 279 and 337 IPC.

The petitioner is stated to have been driving a milk van (a Canter vehicle) on 07.04.2014 which hit the complainant while he was

riding pillion on a motor cycle being driven by one Balwant Singh Chawla, at Patiala.

The petitioner is shown to have stopped his vehicle to inquire about the welfare of the riders on the motor cycle but thereafter, upon seeing people gathering at the spot, he fled away along with his vehicle.

The complainant is stated to have received an injury in the rib, which was found to be a fracture.

Consequently, the petitioner was charged with having committed the aforesaid offences.

The learned trial Court having found the petitioner guilty and having sentenced him as aforesaid, he filed an appeal before the appellate Court which was dismissed vide a judgment dated 03.02.2017.

Consequently, the present revision petition has been filed.

As already recorded in the order dated 28.03.2017, learned counsel for the petitioner had submitted that the petitioner does not challenge his conviction and only restricts his prayer to reduction of the quantum of sentence imposed upon him.

Having considered the aforesaid circumstances, and also the fact that as per the custody certificate filed in Court today by the learned State counsel, the petitioner is not seen to be involved in any other criminal offence, and the offence in the present case being a road side accident in which fortunately no one lost his life, and though a grievous injury was sustained by one person, which was a fracture of a rib, I consider it appropriate to reduce the sentence imposed upon the petitioner in respect of all three offences, i.e. those punishable under Sections 279, 337 and 338 IPC, to 3 months rigorous imprisonment on each count, with all sentences

running concurrently.

Consequently, upon the petitioner completing 3 months of actual imprisonment, he would be released from custody forthwith thereafter.

The petition is allowed to the aforesaid extent.

(AMOL RATTAN SINGH)
JUDGE

May 01, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No