

..

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRR No.207 of 2019 (O&M).
Date of Decision: May 02, 2019.

Hardeep Singh Petitioner.

Versus

State of Punjab Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General,
Punjab, for the respondent-State.

Shekher Dhawan, J.

1. Present revision petition is directed against the judgment of conviction and order of sentence dated 23.01.2015 passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib vide which the petitioner was convicted and sentenced as under:-

Under Section	Sentence
Section 279 IPC	One month
Section 304-A IPC	Rigorous Imprisonment for two years
Section 338 IPC	One month
Section 337 IPC	One month
Section 427 IPC	One month

Both the sentences were ordered to run concurrently.

2. Appeal filed by the present petitioner against the said

..

judgment of conviction and order of sentence was dismissed by learned first appellate Court vide judgment dated 08.02.2018

3. Facts relevant for the purpose of decision of the present revision petition; that on 29.03.2009, the police received information regarding admission of Rupinder Kaur, Rajwinder Kaur and Dilraj Singh in Amar Hospital, Patiala, who sustained injuries in a roadside accident and that one Dalbir Singh had died. The police reached the hospital where injured were declared unfit to make statement. Statement of complainant Gurbhej Singh, who eye-witnessed the accident, was recorded and on the basis of his statement F.I.R. No.29 dated 29.03.2009 was registered under Sections 279, 337, 338, 427, 304-A IPC, on the ground that at about 7:30 a.m., the petitioner/accused, while driving the offending bus bearing registration No.PB-11Z-9925, in a rash and negligent manner caused the accident with car bearing registration No.PB-21C-0552 near Village Mallaheri, Police Station Mulepur, Sirhind, District Fatehgarh Sahib.

4. After completion of investigation proceedings, challan was presented before the trial Court.

5. During trial, learned trial Court completed various proceedings of trial including framing of charge, recording statements of prosecution witnesses and examination of the accused (petitioner herein) under Section 313 Cr.P.C. After considering the material and evidence available on record, vide judgment dated 23.01.2015, learned trial Court held the petitioner guilty and convicted and vide order of even date sentenced him as detailed in para No.1 above.

6. The appeal preferred by the present petitioner against the said

..

judgment of conviction and order of sentence was dismissed by learned first appellate Court vide judgment dated 08.02.2018.

7. At the very outset, learned counsel for the petitioner contended that he does not challenge the judgment of conviction and a lenient view on the point of sentence be taken as the petitioner has already undergone total sentence of 01 year, 01 month and 06 days (including remissions), as per the custody certificate dated 21.02.2019, which means that by now the petitioner has already undergone total sentence of 01 year 03 months and 16 days against the awarded sentence.

8. Learned State counsel contended that the petitioner does not deserve any concession and the present revision petition be dismissed.

9. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that both the Courts below have already appreciated the evidence in its perspective manner. More so, learned counsel for the petitioner does not challenge the judgment of conviction. As such, the present revision petition, qua judgment of conviction passed by the Court below, stands dismissed.

10. As regard to order of sentence, this Court has certainly considered that a lenient view is to be taken in this case. The petitioner has already undergone total sentence of 01 year, 01 month and 06 days (including remissions), as per the custody certificate dated 21.02.2019, against the awarded sentence and has suffered agony of protracted trial since March, 2009, taking a lenient view on the point of sentence, the order of sentence is modified that the sentence of petitioner, Hardeep Singh in

..

this case shall be reduced to the period which he has already spent while remaining in custody during the period of trial and appeal proceedings. The petitioner be released from custody in this case, if not required in any other case.

11. Resultantly, the present revision petition stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

May 02, 2019
som

Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes