

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.260 CRR No.538 of 2019 (O&M)
DECIDED ON: December 06, 2019

DHARMINDER SINGH ..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Viranjeet Singh Mahal, Advocate,
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. B.K. Hamakiya, Advocate,
for respondents No.2 & 3.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted vide judgment of conviction dated 02.03.2016 and was sentenced vide order of even date, to undergo imprisonment as follows:-

U/s	RI	Fine (₹)	In default
304-A IPC	02 years	2000/-	02 months
279 IPC	03 months	500/-	15 days
337 IPC	03 months	200/-	07 days
338 IPC	06 months	500/-	01 month
427 IPC	02 months	100/-	07 days

His appeal has been dismissed vide order dated 20.10.2018.

The maximum sentence to be undergone by the petitioner is RI for 02 years under Section 304-A IPC.

CRR No.538 of 2019 (O&M)

Custody certificate dated 06.12.2019 prepared by Sh. Gurmukh Singh, PPS, Deputy Superintendent, Central Jail, Bathinda has been filed in Court. The same is taken on record. According to this certificate, the period spent in jail post conviction is 01 year, 01 month and 15 days inclusive of parole and remission.

Learned counsel for the petitioner submits that the parties have reached an amicable settlement dated 24.09.2015 (Annexure P-1) followed by another settlement dated 01.05.2017 (Annexure P-2). The petitioner does not have any criminal antecedents and has been punished in this case on account of an accidental death. Thus, the sentence of the petitioner may be reduced to the period already undergone.

Learned counsel appearing for the private respondents admits the factum of compromise.

The petition is accordingly allowed partially. The order of conviction is upheld. So far as the order of sentence is concerned, the same is modified and petitioner-Dharminder Singh is sentenced to the period already undergone by him. He shall be released from custody forthwith if he is not required in any other case.

December 06, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No