

CRR-1216-2009 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR-1216-2009 (O&M).
Decided on : September 19, 2019.**

Hussan Lal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

*** * ***

PRESENT None for the petitioner.

Mr.Bhupinder Beniwal, AAG, Punjab.

*** * ***

ANIL KSHETARPAL, J. (ORAL)

Petitioner is a convict under Section 304-A of the Indian Penal Code for having caused an accident by rash and negligent driving and killed Mandeep. Accident took place on 5.6.1998. Petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 1½ year and to pay a fine of Rs.500/- by the trial Court vide judgment dated 17.9.2007. Appeal filed against the aforesaid judgment was dismissed by the Additional Sessions Judge, Ludhiana, on 4.3.2009.

Revision filed against the judgment of conviction and

CRR-1216-2009 (O&M)

order of sentence was admitted and petitioner was granted bail vide order dated 18.8.2009 by noting that the petitioner has already undergone incarceration for a period of 6 months and 5 days as on 10.8.2009. Therefore, it is safe to presume that petitioner has already undergone 6 months and 13 days.

As per custody certificate, petitioner is not a previous convict or an accused. No document is available on the file which may prove that petitioner even after having been released on bail has committed any offence.

It has been ten years when the petitioner was granted concession of bail. At the time of commission of offence, petitioner was 25 years of age.

From the date of incident almost 21 years have elapsed. Hence, at this stage, it will not be appropriate to once again send the petitioner to prison.

Keeping in view the facts of the case, this Court is of the opinion that the ends of justice would be met if the sentence awarded is reduced to the period already undergone by the petitioner.

Ordered accordingly.

The petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

September 19, 2019.
raj arora

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