

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

775

CRR No.1385-2009 (O&M)

Date of decision: 06.09.2019

Dilbagh Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S. Sandhu, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioners are driver and conductor of a bus. The deceased was travelling on the roof top and as per the allegations of prosecution, since the bus took a sharp turn, therefore, the deceased fell and died. The accident took place on 03.02.2000. The petitioners were prosecuted and sentenced to a period of one year. The appeal filed by them was also dismissed.

Learned counsel for the petitioners, although, made sincere attempt to persuade this Court to take a different view, however, keeping in view the concurrent finding of Courts below, this Court in exercise of its revisional jurisdiction does not find any ground to interfere in the judgment of conviction.

Learned counsel for the petitioners, however, comes up with an alternative argument. He submits that the petitioners have suffered

protracted litigation for the last 19 years and they have already undergone actual sentence of 3½ months. He further submits that the petitioners are not involved in any other case, thereafter. Both the petitioners are on bail since 2009. Hence, he prays that the sentence awarded be reduced to the already undergone.

Learned State counsel is unable to point out as to whether the petitioners are previous convict or not. There is no record that the petitioners after having been released on bail are involved in any other criminal case of similar nature after a period of 10 years.

Keeping in view the aforesaid facts, in the considered view of this Court, it would not be appropriate for this Court to send the petitioners in custody once again. Hence, the sentence awarded to the petitioners is reduced to the period already undergone.

Accordingly, the revision petition is disposed of.

06.09.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No