

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRR-2919-2018 (O&M)

DATE OF DECISION: 29.08.2019

HARDEEP SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. H.S. Batth, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the Courts below, whereby he has been convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for 2 years along with a fine of Rs.1,000/-, in default thereof, to further undergo rigorous imprisonment for 7 days.

Learned counsel for the petitioner contends that the petitioner is not challenging the conviction and would confine his prayer to the reduction in the quantum of sentence. He further contends that the incident took place on 13.11.2011. The complainant, who is alleged to be an eye-witness in his deposition before the trial Court as PW-1 did not support the prosecution case with regard to the involvement of the petitioner. Similarly, PW-4 had also not supported the prosecution case. The petitioner is a professional driver and is a sole bread winner of his family. He is 49 years of age and is not involved in any other similar case. Learned counsel for the petitioner also contends that the amount of Rs.5,20,000/- along with interest has been awarded in favour of the

LRs of the deceased by learned Motor Accident Claims Tribunal, Patiala on 29.10.2014.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone 1 year 15 days out of total sentence of 2 years.

Heard.

The petitioner is a first offender and not involved in any other case. He is a professional driver and sole breadwinner of his family. He has undergone sentence of 1 year and 15 days out of the total sentence of 2 years. PW-1 and PW-4 who were alleged to be eye witnesses, did not support the prosecution case. He is facing criminal proceedings for over 7 years. It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

The petitioner shall also pay the amount of Rs.30,000/- as compensation to the LR's of the deceased.

With this modification, the petition stands disposed of.

29.08.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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