

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

228

**CRR-3191-2018(O&M)
Date of decision : 07.12.2019**

KULWINDER SINGH

.....Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

Mr. Hittan Nehra, Addl. A.G., Punjab.

ANIL KSHETARPAL, J. (ORAL)

Although, counsel for the petitioner is not present, however, with the able assistance of learned counsel for the State, this court has gone through the file.

At the outset, it must be noticed that on 24.09.2018, following order was passed by a coordinate Bench:-

*“Having heard learned counsel for the Petitioner,
I do not find any infirmity in the finding as regards the
conviction of the petitioner and same is hereby affirmed.*

*Notice of motion to the limited extent as regards
the quantum of sentence for 10.12.2018.”*

Petitioner has been convicted for an offence under Section 279/304A IPC for a period of 2 years and to pay a fine of Rs.2000/- and in default of fine, he shall further undergo for a period of one month.

As per custody certificate, he has already undergone 1 year 8 months and 14 days of total sentence including earned remission of 5 months and 14 days.

Accident in question had taken place on 10.11.2011. Petitioner apart from the sentence has also faced protracted criminal prosecution for more than 7 years.

As per custody certificate, appellant is a first time offender, not involved in any other case.

Keeping in view the facts of the case, this court is of the considered opinion that the appellant has already undergone sufficient sentence. Hence, the sentence is reduced to the sentence already undergone by the petitioner.

Petitioner is directed to be released forthwith, if he is not required in any other case.

December 07, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No