

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

CRR-2179-2019 (O&M)
Date of decision : 04.10.2019

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Chatrath, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

After hearing learned counsel for the petitioner at length, on
09.09.2019, following order was passed:-

“Revision petition has been filed assailing the judgment of conviction passed by learned Chief Judicial Magistrate, Mansa dated 23.11.2015 and order of sentence which has been affirmed in appeal by the Court of Sessions vide judgment dated 29.7.2019. Petitioner has been convicted as per the order of sentence as under:-

<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
U/s 279 IPC	RI six months		
U/s 304-A IPC	RI Two Years	Rs.5000/-	SI one month

This Court has heard learned counsel for the petitioner at length and with his able assistance has gone through the judgments passed by the Courts below. Learned

counsel for the petitioner submitted that there was delay of one day in lodging the FIR. Hence, correctness of the case set up by the prosecution is doubtful. He further submitted that petitioner has been falsely implicated due to previous quarrel as stated by Bhola Singh who was examined by the defence as DW1.

This Court finds no substance in the submission of learned counsel for the petitioner-convict as regards in delay in filing the FIR. It is apparent that the accidental quarrel took place on 22.4.2014 at 7:00 P.M and the injured, who later on died, was immediately moved to Civil Hospital, Mansa from where information was sent by the hospital to the police on 22.4.2014. However, before the police official could reach the hospital, the injured was referred to another hospital. Thereafter injured while on the way to the referral hospital died and on the next day i.e 23.4.2014 on the statement of Gursewak Singh son of the deceased First Information Report was recorded. Hence, there is no substance in the first submission of the learned counsel for the petitioner. As regards second contention of the learned counsel for the petitioner, it may be noted that Gursewak Singh appeared as PW 3. Learned counsel for the petitioner fails to point out whether he was given any suggestion of false implication of the petitioner due to previous quarrel/enmity. Still further learned counsel for the petitioner fails to draw attention of the Court to the part of the judgments of the Courts below where this aspect was ever raised. No document has been placed on file to prove that there was any quarrel between the family of the deceased and the petitioner.

In view of aforesaid, this Court does not find any good ground to interfere in the exercise of revisional jurisdiction.

However, learned counsel for the petitioner has come

up with an alternative prayer. He submits that petitioner is a first time offender and the sentence awarded by the Courts below is harsh. He submits that the sentence be kindly reduced.

Keeping in view the aforesaid fact, let limited notice be issued to the State on quantum of sentence for 20.9.2019.”

Pursuant to the limited notice, affidavit of custody has been filed. As per custody certificate, petitioner has undergone actual sentence of 2 months and 4 days. He has also earned remission of 10 days. Thus, the total sentence including remission is 2 months, 14 days. Petitioner was driving a Tractor Trolley. It is stated that the petitioner is first time offender belongs to an agriculturist community. Hence, prayer is to reduce the sentence. Petitioner is said to be 46 years of age.

Keeping in view the facts and circumstances of the present case, the sentence awarded is reduced to 6 months.

Accordingly, the present petition is disposed of.

04.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No