

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

338

CRR-2458-2019 (O&M)

DATE OF DECISION: 17.10.2019

GURSEWAK SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasdeep Singh, Advocate for the petitioner(s)

Mr. K.K. Bheniwala, 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 for the offence punishable under Section 160(2) of the Railway Act and has been sentenced to undergo rigorous imprisonment for two years.

Learned counsel for the petitioner contends that the judgments of the Courts below are unwarranted from the evidence on record. The allegations against the petitioner are that while he was driving a canter, he had hit the pole of the railway crossing after the train had passed and the gateman had opened the gate. He also contends that no one was injured in the incident and the pole of the gate stuck against the roof of the canter. The damage which was caused to the gate had been assessed as Rs.6,475/-. The petitioner is a professional driver and is a sole bread winner of his family which comprises his wife and minor children. The petitioner is not involved in any other untoward incident. He further contends that the sentence is on the higher side. The petitioner is in custody for over 3 months. Learned counsel submits that he is not challenging the conviction of the petitioner and would confine his prayer to reduction in the sentence to the period already undergone by him.

Learned State counsel has filed the custody certificate of the petitioner which indicates that the petitioner has undergone an actual sentence of 3 months and 10 days out of the total sentence of 2 years.

Heard.

The petitioner is only alleged to have hit a pole of the Railway crossing. No one has injured in the incident. The petitioner is stated to be a professional driver and the sole bread winner of his family. He has undergone sentence of over 3 months and is not involved in any other case. The ends of justice would be met in the event of his sentence being reduced to the period already undergone by him.

Therefore, while maintaining the conviction, sentence of the petitioner is reduced to the period already undergone by him. The petitioner be released forthwith from custody in this case if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

17.10.2019.

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No