

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

CRR-297-2020

Date of Decision :06.07.2020

Kulwinder Singh

.... Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. V.K.Gupta, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been preferred against the impugned judgment of conviction and order of sentence dated 07.12.2018 passed by Judicial Magistrate, Ist Class, Moga vide which the accused-petitioner was convicted and sentenced as under:

<i>Name of Convict</i>	<i>Offence</i>	<i>Period of sentence</i>	<i>Fine imposed</i>	<i>Period of sentence in default of payment of fine</i>
Kulwinder Singh	279 IPC	Rigorous imprisonment (RI) for six months	-	-
	304-A IPC	RI for a period of one year	₹ 1,000/-	RI for 01 month

All the sentences were ordered to run concurrently.

2. Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by the learned trial Court, he would not press the instant petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel has submitted that the occurrence

pertains to the year 2014 and the petitioner has thus, suffered the agony of trial for almost 06 years and has been fastened with many liabilities ever since the occurrence in question. He has further submitted that the petitioner has been leading a disciplined life and is not involved in any other criminal case. He has thus, prayed that in the facts and circumstances of the case, a lenient view may be taken and the quantum of sentence awarded to the petitioner by the learned trial Court be reduced to already undergone as no useful purpose would be served by sending the petitioner behind the bars.

3. Learned State counsel submits that the petitioner has undergone the actual sentence of 03 months and 28 days out of the substantive sentence of one year awarded to him.

4. I have heard learned counsel for the parties besides going through the evidence and other material available on record.

5. Keeping in view the facts and circumstances and the submissions made by learned counsel for the petitioner, I am of the considered view that ends of justice would be met if while maintaining the conviction of the accused-petitioner, his substantive sentence of 1 year is reduced to the sentence already undergone by him in the present case. Ordered accordingly. Further, the fine of ₹ 1,000/- imposed by learned trial Court shall remain intact, which shall be paid by the petitioner within one month from the date, if not already paid. The petitioner be set at liberty forthwith, if not, required in any other case. At this stage, learned counsel submits that the petitioner is already on parole till 17.07.2020.

6. In my opinion, no amount of monetary compensation can

diminish the untold grief of the hapless family of the deceased. The Hon'ble Supreme Court in *Hari Kishan and State of Haryana vs. Sukhbir Singh & others, 1988(2) RCR (Crl.) 394 (SC): AIR 1988 Supreme Court 2127* held that the provision relating to the awarding of compensation to the victims while imposing sentence has seldomly been invoked. Hon'ble Supreme Court further held that in addition to the conviction, the Court could order the accused to pay some amount of compensation to the victims, who would have suffered due to the act of the accused as it would in a way reassure the victims that their agony and grief had not been forgotten in the criminal system.

7. Considering the peculiar facts and circumstances of the case, the ends of justice would be met by directing the petitioner to deposit an amount of ₹ 30,000/- as compensation to be paid to the victims/legal representatives of deceased. The said amount shall be deposited by the petitioner in the Court of Chief Judicial Magistrate/Trial Court within one month from today, which shall be disbursed to the legal representatives of deceased Sandeep Singh against proper receipt. In case, he fails to do so, he shall undergo the remaining part of his sentence as awarded by the learned trial Court.

8. With these modifications, the present petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

06.07.2020
sonia

Whether speaking/reasoned?	Yes
Whether Reportable?	No