

CRR-2729-2019

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

**CRR-2729-2019 (O & M)
Date of Decision: 23.01.2020**

Palwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.

Custody certificate dated 23.01.2020 by way of affidavit of Sh. Baldev Singh Kang, Deputy Superintendent, District Prison, Mansa, has been filed in the Court today. The same is taken on record.

Challenge in the present petition is to the judgment dated 13.09.2019 passed by the learned Additional Sessions Judge, Mansa, whereby while dismissing the appeal filed by the petitioner, the judgment of conviction and order of sentence dated 27.03.2015 passed by the learned Judicial Magistrate Ist Class, Mansa, has been upheld.

The petitioner was tried for committing the offences under Sections 279, 304-A, 427 and 337 IPC. As per the prosecution, on 31.03.2010 at about 10.40 a.m., Sukhdev Singh, husband of complainant was hit by a roadways bus, bearing registration No.PB-11-F-9698, being

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aforesaid, husband of the complainant had succumbed to the injuries. The driver of the bus fled the scene leaving the vehicle behind. In the said accident, the complainant had also received injuries. She had been taken to the hospital by her son.

On the basis of the evidence led, it stood proved before the learned trial Court that on account of the rash and negligent driving of the petitioner, the complainant had suffered injuries on her head and arms whereas her husband had succumbed to the injuries. Consequently, the petitioner was convicted under Sections 279, 337 and 304-A IPC and sentenced as under:

<i>Section</i>	<i>Imprisonment</i>	<i>Fine</i>
279 IPC	To undergo rigorous imprisonment for a period of six months.	To pay a fine of Rs.1000/-, in default thereof, to further undergo rigorous imprisonment for 15 days.
304-A IPC	To undergo rigorous imprisonment for a period of 18 months.	To pay a fine of Rs.6000/-, in default thereof, to further undergo rigorous imprisonment for 15 days.
337 IPC	To undergo rigorous imprisonment for three months.	

All the sentences had been ordered to run concurrently However, the amount of fine imposed upon the petitioner had been ordered to be paid to class-I legal heirs of the deceased as compensation.

Aggrieved of the judgment and order passed by the learned trial Court, the petitioner preferred an appeal before the learned Additional Sessions Judge, Mansa. However, vide judgment dated 13.09.2019 passed

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by the learned Additional Sessions Judge, Mansa, the appeal was dismissed, thereby affirming the judgment and order passed by the learned trial Court.

Still aggrieved, the petitioner has preferred the present revision petition.

At the very outset, learned counsel appearing for the petitioner, states that without disputing the findings of guilt recorded against the petitioner-accused, he confines his prayer to the quantum of sentence only. Learned counsel contends that the present FIR was registered on 31.03.2010 and that the petitioner has been facing the agony of protracted trial for the last 10 years approximately. Still further, out of the total substantive sentence of 18 months, the accused-petitioner has already undergone the sentence of 05 months and 29 days. It is, thus, submitted that taking into consideration the period of sentence already undergone by the accused-petitioner, the sentence imposed upon him may be reduced to the period already undergone by him.

I have heard the learned counsel for the parties.

Taking into consideration that the petitioner-accused was driving the bus, bearing registration No.PB-11-F-9698, in a rash and negligent manner and had caused simple injuries to the complainant and caused the death of Sukhdev Singh not amounting to culpable homicide, no fault could be found with the judgments and order passed by the Courts below. Still further, as noticed above, learned counsel for the petitioner has rightly not disputed the finding of guilt recorded by the Courts below. In view of the said fact, the conviction of the petitioner under Sections 279, 337 and 304-A IPC is upheld.

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Coming to the quantum of sentence, as stated above, the petitioner has already undergone the sentence of 05 months and 29 days out of the total sentence of 18 months. Taking into account that the petitioner has been facing the agony of protracted trial for the last 10 years approximately, in my opinion, no useful purpose would be served by keeping him behind the bars to undergo the remaining sentence. Rather, ends of justice would be suitably met, if the sentence imposed upon the accused-petitioner is reduced to the period already undergone by him.

In view of the above, while maintaining the conviction of the petitioner under Sections 279, 337 and 304-A IPC, the sentence imposed upon him is reduced to the period already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The petitioner-accused be released forthwith in this case, if not required in any other case, subject to the costs of Rs.20,000/- over and above the fine imposed upon the petitioner by the trial Court. The aforesaid costs of Rs.20,000/- shall also be paid to the class-I legal heirs of the deceased as compensation.

Disposed of in the above terms.

23.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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