

232

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

**\*\*\*\***

**CRR-135-2020 (O&M)  
Date of Decision: 10.12.2021**

**\*\*\*\***

Harminder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Shoaib Khan, Advocate,  
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

**SUDIP AHLUWALIA, J. (ORAL)**

This revision petition is directed against the judgments of conviction of the petitioner for the offences punishable under Sections 279, 337 and 304-A of the IPC for which he was found guilty and was awarded sentences of S.I. for six months, six months and R.I. for two years respectively along with a fine of Rs.1,000/- in respect of the offence punishable under Section 304-A of the IPC. He was found to have been driving an oil tanker on the date of the occurrence rashly and negligently, on account of which, his offending vehicle run over the head of one victim, namely, Sunny, who died on the spot, and his co-passenger Bikram Singh received multiple injuries. The judgment of conviction was affirmed by the Ld. Sessions Judge, Patiala in CRA/282/2019 on 11.09.2019.

[2]. At the outset, Mr. Shoaib Khan, Advocate, appearing for the petitioner states that he does not challenge his conviction. He, however, prays for reduction of the sentence awarded to him on the ground that he has

clean antecedents otherwise, is aged on the wrong side of 50 and has been undergoing the rigors of a protracted trial for almost 7 years now following registration of the FIR, in question, on 17.01.2015.

[3]. Reliance of the petitioner in this regard is on a judgment passed by a Co-ordinate Bench of this Court in the case of “Nirmal Singh Vs. State of Haryana”, 2008 (13) R.C.R. (Criminal) 408, who was similarly found guilty of the offences under Sections 279 and 304-A of the IPC.

[4]. In the said judgment, the concerned revision petition was allowed with the following observations:-

*“7. Taking into account protracted trial, antecedents of the petitioner and the fact that when the occurrence took place, he was 28 years old as per heading of the trial Court judgment, petitioner is now 48 years old, ends of justice will be met in case his sentence is reduced to already undergone and sentence of the petitioner is reduced to already undergone. However, sentence of fine is enhanced from Rs.2000/- to Rs.35000/- and the same shall be deposited within three months from today. Non deposit of fine by the petitioner shall render the present revision petition as dismissed.*

*Sentence of fine, so deposited, shall be disbursed to the legal heirs of deceased, as they deserve to be compensated.”*

[5]. In the present case, the petitioner had already crossed the age of 50 when the occurrence took place. He has already served out the sentences for the offences punishable under Sections 279 and 337 of the IPC, which were ordered to run concurrently with the sentence awarded in respect of Section 304-A of the IPC. The Custody Certificate of the petitioner on record goes to show that till 04.12.2021, he has undergone a total sentence of 1 year, 1 month and 28 days which, therefore, would mean that by now,

the sentence undergone by him is more than 1 year and 2 months out of the maximum sentence of 2 years awarded to him. There is no record of his involvement in any other criminal case of any nature whatsoever.

[6]. Taking all these factors into account, this Court is of the view that the ends of justice will be met in case sentence of the petitioner is reduced to that already undergone and sentence of fine is enhanced and the same is disbursed to legal heirs of deceased. Consequently, the sentence is reduced to that already undergone by him, but the sentence of fine is enhanced from Rs.1,000/- to Rs.35,000/- and the same shall be deposited within three months from today. Non-deposit of fine by the petitioner would render the present revision petition as dismissed.

[7]. Sentence of fine, so deposited, shall be disbursed to the legal heirs of deceased, who deserve to be compensated.

[8]. The present revision petition along with pending applications stands disposed off as such.

**10.12.2021**

*Bhumika*

**(SUDIP AHLUWALIA)  
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No