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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-1200-2022

DECIDED ON: 21th DECEMBER, 2022

NARINDER SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. A.K. Ranolia, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRR-1200-2022

The instant revision petition has been filed against the judgment dated 06.05.2022 passed by learned Additional Sessions Judge, Patiala, whereby the judgment of conviction dated 03.07.2017 passed by the learned Sub Divisional Judicial Magistrate, Rajpura, has been affirmed for the commission of offence under Section 337, 283 IPC, however, sentence for offence under section 304-A IPC is reduced to one year. The petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹700/- and in default of payment of fine, to further undergo SI for one month.

The present case was registered at the instance of Paramjit Batra on the allegations that in the night, on 31.12.2012, his nephew Sagar

Bhatia, alongwith his friend Shivam Gupta, came to stay in his house. And

they were planning to go to Delhi in the morning. He also wanted to go to Delhi for domestic work. Accordingly, they went for Delhi in a Zen Car bearing Registration No. JK-020-2359. On the way, complainant called his brother-in-law Amarjit Pahwa. When they reached at Sirhind, Amarjit Pahwa came in his car and then complainant dropped the car of his nephew and sit in the car of his brother-in-law Amarjit Pahwa. Then they started chasing Sagar Bhatia and Shivam Gupta in second car. At about 8.15 AM, when they reached near Satsang Bhawan, Rajpura, a truck bearing Registration No.UP-20L-2980 parked in the middle of the road without any reflector, light or any sign, which indicate its existence. Due to which the car being driven by Shivam Gupta struck into the said truck on its back side and occupant of the car namely Sagar Bhatia died at the spot whereas Shivam Gupta received serious injuries. Highway Patrolling party reached at the spot, who took Shivam Gupta at Civil Hospital, Rajpura and later on he was referred to Rajendra Hospital, Rajpura. The occurrence took place due to the negligence of driver of truck bearing Registration No.UP-20L-2980.

At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 01.01.2013 and as such the petitioner has faced the agony of trial for a considerable period. Assertion is that the petitioner has already undergone the actual sentence of 7 months out of one year, therefore, he prays for leniency by reducing the sentence to the period already undergone by him.

Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. He submits that one human life was lost due to the negligence of the petitioner. His further submission is that

record, convicted the petitioner due to which no interference is called for.

Learned State counsel has not disputed the factum of custody period undergone by the petitioner.

Heard learned counsel for the parties and perused the record.

The contention of learned counsel for the petitioner regarding quantum of sentence deserves acceptance.

It would be appropriate to note at this stage that FIR was registered on 01.01.2013, the petitioner has faced agony of trial for a considerable period.

Considering the fact that the petitioner has faced the agony of protracted trial for a considerable long period, to meet the ends of justice, the criminal revision petition is partly allowed.

There is no challenge to the the impugned judgment of conviction, order of sentence as well as the order of the appellate Court, as prayed by learned counsel for the petitioner at the very outset, the conviction of the petitioner is, therefore, upheld, however, his sentence is reduced to the period already undergone by him. The petitioner need not to suffer remaining sentence.

The application seeking suspension of sentence of the petitioner has been rendered infructuous and is disposed of as such.

(SANDEEP MOUDGIL)
JUDGE

21st DECEMBER, 2022.

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |