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

CRR-69-2017

DECIDED ON: 11th NOVEMBER, 2022

GURCHARAN SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Munish Puri, Advocate for
Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant revision petition has been filed against the judgment dated 21.11.2016 passed by learned Additional Sessions Judge, Pathankot whereby the judgment of conviction and order of sentence dated 29.08.2016 passed by the learned Additional Chief Judicial Magistrate, Pathankot had been affirmed for commission of offence under Sections 279, 304-A, 337 and 427 IPC. The petitioner was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹3000/- and in default of payment of fine to further undergo SI for two months.

The facts in the backdrop of the case are that Ashok Singh-complainant suffered a statement on 07.02.2012 alleging that he along-with his nephew Dilawar Singh, his cousin brother Balbir Singh, who was

accompanied by his wife Prem Lata were going on two motor-cycles from

Akhrot in Jammu and Kashmir to their village Qadian. Balbir Singh and his wife Prem Lata were going on motor-cycle bearing registration No. PB-06-G-3951, make Bajaj Discover. When they reached near bridge of Canal Madhopur one truck trolly bearing registration No. PB-06-L-2665 being driven in a rash and negligent manner struck behind the motor-cycle. As a result of which Balbir Singh suffered grievous injuries and died on the spot whereas, Prem Lata suffered severe injuries. Thereafter, the complainant made a telephone call at No.108 for Ambulance and Prem Lata was taken to Civil Hospital. On these allegations FIR No. 21, dated 07.02.2012, under Sections 279, 304-A, 337, 338 and 427 IPC was registered at Police Station Sujanpur.

At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 07.02.2012 and as such the petitioner has faced the agony of trial for about one decade. He, therefore, prays for concession of 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 a human life was lost due to the negligence of the petitioner. His further submission is that learned trial Court appreciated the evidence and after analysing the facts on record, convicted the petitioner due to which no interference is called for.

As per custody certificate, petitioner has undergone the sentence of 1 year 1 month and 5 days including remissions, out of which the actual custody undergone by the petitioner is 10 months and 10 days.

Heard learned counsel for the parties and perused the record.

The contention of learned counsel for the petitioner regarding

quantum of sentence deserves consideration.

It would be appropriate to note at this stage that FIR was registered in the year 2012, the petitioner has faced agony of trial for about one decade.

Considering the facts that petitioner is first time offender; only bread earner of his family and has faced agony of trial for a considerable long period, therefore, to meet the ends of justice, the criminal revision petition is partly allowed.

Without commenting upon the merits of the case and without interfering in the impugned judgment of conviction, order of sentence as well as the order of the appellate Court, the conviction of the petitioner is upheld, however, his sentence is reduced to the period already undergone by him. The petitioner who is on bail need not to suffer remaining sentence in the present case.

SANDEEP MOUDGIL
JUDGE

11th NOVEMBER, 2022.
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |