

Neutral Citation No.2023:PHHC:071602

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

CRR No.700 of 2006

Date of Decision: May 17, 2023

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Yadav, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Statement is made by learned counsel for the petitioner to withdraw this petition against the concurrent finding of conviction recorded by the Courts below. Learned counsel has made a limited prayer, challenging the order of sentence and submitting that the petitioner may be sentenced for the period already undergone by him.

2. In case FIR No.359 dated 13.8.1999 registered at Police Station Bahadurgarh, petitioner was convicted under Sections 279, 304-A IPC vide judgment dated 30.09.2003 by learned Sub Divisional Judicial Magistrate, Bahadurgarh. Vide separate order of the even date, petitioner was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹2,000/-for committing the offence under Section 304-A IPC. He was also sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- for committing offence under Section 279 IPC. Both the sentences were directed to run concurrently. Appeal against the afore-said judgment of conviction and order of sentence was dismissed by the learned Additional

Sessions Judge, Jhajjar vide judgment dated 02.03.2006, prompting the petitioner to file this petition, challenging the conviction as well as sentence.

3. However, in view of the statement made by learned counsel for the petitioner in the Court, the petition against the judgment of conviction is hereby dismissed as withdrawn.

4. Coming to the order of sentence, the custody certificate as available on record reveals that out of two years imprisonment, petitioner has already undergone 04 months and 18 days of sentence. The accident had taken place on 13.08.1999 i.e. more than 23 years back. The sentence of the petitioner was suspended on 14.07.2006. Petitioner has already undergone actual sentence for substantial period out of two years sentence.

5. Having regard to the afore-said facts and circumstances, interest of justice shall be met if petitioner is sentenced to imprisonment for the period already undergone by him. As such, maintaining the conviction, the impugned orders passed by the Courts below regarding the sentence are hereby modified. Petitioner is sentenced to imprisonment for the period already undergone by him.

6. Disposed of.

May 17, 2023

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(DEEPAK GUPTA)

JUDGE

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