

(224)

2023:PHHC:070942

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

CRR No.936 of 2019 (O&M)

Date of Decision: May 16, 2023

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Mann, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Statement is made by learned counsel for the petitioner to withdraw his 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.131 dated 30.09.2011 registered at Police Station Fatehgarh Sahib, petitioner was convicted under Sections 279, 304-A IPC vide judgment dated 26.11.2014 by learned Judicial Magistrate Ist Class, Fatehgarh Sahib. Vide separate order of the even date, petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹500/-for committing the offence under Section 304-A IPC. He was also sentenced to undergo rigorous imprisonment for a period of one month and to pay a fine of ₹200/- 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, Fatehgarh Sahib vide judgment dated 28.03.2019, 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counsel for the petitioner today in the Court, the petition against the judgment of conviction is hereby dismissed as withdrawn.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 one year imprisonment, petitioner has already undergone 06 months and 14 days of sentence, which includes remission period of 25 days. Even if this remission period is excluded, his actual custody period is 05 months and 19 days. The accident had taken place on 30.09.2011 i.e. more than 11 years back. The sentence of the petitioner was suspended on 18.09.2019. Petitioner has already undergone actual sentence for substantial period out of one year 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, 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 16, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No