

241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:117751
CRR-1333-2019

Date of Decision: September 06, 2023

Kuldeep Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parampreet Singh Paul, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

It is stated by learned counsel for the petitioner that petitioner No.2-Harwinder Singh alias Lali has expired on 14.03.2022. He has placed on record the copy of his death certificate.

Learned State counsel does not dispute the death of said Harwinder Singh alias Lali.

As such, the present petition qua said petitioner No.2-Harwinder Singh alias Lali stands abated.

Petitioner No.1 Kuldeep Singh was convicted by the Court of Sessions under Sections 148, 323/149, 324/149, 506/149, 336 IPC and Section 27 of the Arms Act, 1959. He was sentenced for varying sentences under all the aforesaid Sections. All the substantive sentences were directed to run concurrently. The maximum sentence awarded to the petitioner was for a period of 03 years, which is thus the effective sentence.

Learned counsel for the petitioner-Kuldeep Singh has made a statement so as to withdraw the petition against conviction. Learned

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counsel has confined his prayer only qua the order of sentence. He submits that considering the age of the petitioner and the duration during which the petitioner had undergone the agony of trial, petitioner may be sentenced for the period already undergone by him.

In view of the aforesaid statement made by learned counsel, present petition is hereby dismissed as withdrawn as far as the impugned judgment of conviction is concerned.

As far as the order of sentence is concerned, learned State counsel has placed on record the custody certificate of petitioner-Kuldeep Singh, revealing that petitioner has already undergone actual sentence of 01 year, 02 months and 28 days, out of 03 years.

Learned State counsel has no objection if the petitioner is sentenced to the period already undergone by him.

Having regard to the aforesaid facts and circumstances of the case and the fact that the occurrence took place way back in the year 2012, this Court considers that the period already undergone by the petitioner is sufficient to meet the ends of justice. Therefore, the impugned order of sentence is hereby modified to the effect that the petitioner is sentenced to imprisonment for the period already undergone by him.

Disposed of.

September 06, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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