

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1398-2023(O&M)
Date of Decision: 21.09.2023

Parwinder Singh
Vs.
..... Petitioner

State of Punjab
..... Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Tanvir Singh Attariwala,
Legal Aid Counsel for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

In a criminal case arising out of FIR No.128 of 20.09.2010 registered at Police Station, Pathankot, petitioner was convicted by the Court of Id. Chief Judicial Magistrate, Pathankot vide judgment dated 05.09.2016 under Sections 279 & 304-A IPC. Vide order of even date, petitioner was sentenced as under:

Offence/Under Section	Imprisonment (Rigorous imprisonment)	Fine (in ₹)	Default sentence
279 IPC	Six months	Nil	-
304A IPC	Two year.	5000/-	3 months

Both the sentences were directed to run concurrently.

2. Against the aforesaid judgment of conviction and order of sentence, appeal was filed. The same was dismissed on 11.10.2022 Id. Additional Sessions Judge, Pathankot.
3. Against the aforesaid concurrent finding of conviction and sentence, this Revision was filed.

4. Vide order dated 28.07.2023, main appeal was ordered to be heard on merits and the case was adjourned for today i.e. 21.09.2023.

5. Today ld. counsel for the petitioner has made a statement that petitioner does not press this revision against the concurrent finding of conviction. However, ld. counsel has made a prayer to consider the petition against the order of sentence and to sentence the petitioner for the period already undergone by him.

6. Ld. counsel contends that occurrence had taken place way back on 20.09.2010; that petitioner has faced agony of proceedings for the last 13 years; that he has already undergone actual custody period of 11 months and 14 days and the total sentence including remission for a period of more than one year.

7. Ld. State counsel does not have any serious objection to the aforesaid prayer.

8. This Court has perused the impugned judgment of conviction as passed by the trial Court and as confirmed by the ld. Appellate Court. It is found that the judgments are based on proper appreciation of evidence on record. No illegality can be found therein. Considering the said fact and also considering the statement made by the petitioner, the petition against the judgment of conviction is hereby dismissed as withdrawn.

9. Coming to the order of sentence, the accident had taken place way back on 20.09.2010, which resulted in the death of Satish Kumar and Amit Kumar. The age of the convict-petitioner Parwinder Singh, at the time of his conviction recorded in 2016, was 35 years, which means that by now, he is more than 42 years of age. The custody certificate further reveals that petitioner has already undergone total sentence of 10 months

23 days by including remission and his actual custody period is 9 months and 18 days.

10. Having regard to all the facts and circumstances and the agony of trial already faced by the petitioner for more than 12 years, this Court is of the view that it will not be in the interest of justice to send the petitioner behind bars. The sentence already undergone by him is considered to be sufficient to meet the ends of justice.

11. Consequently, the impugned order of sentence passed by trial court and as affirmed by the appellate Court, is hereby modified to the extent that petitioner is sentenced to undergo imprisonment for the period already undergone by him.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUPTA)
JUDGE

21.09.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No