

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:067482
CRR-2829-2022 (O&M)
Date of Decision: May 10, 2023

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Barjesh K. Sharma, Advocate for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Custody certificate of the petitioner has been placed on record by learned State counsel.

2. Petitioner was convicted vide judgment dated 15.02.2022 in case FIR No.68, dated 19.06.2018, registered at Police Station Sirhind, District Fatehgarh Sahib, under Sections 279, 337, 338 and 304-A IPC and was sentenced to undergo imprisonment as under:-

Offence (U/s)	Imprisonment
279 IPC	R.I. for 6 months
337 IPC	R.I. for 6 months
338 IPC	R.I. for 9 months
304-A IPC	R.I. for 1 year

All the substantive sentences were ordered to run concurrently.

3. Apart from above, petitioner was further directed to pay ₹25,000/- as compensation to the injured Pardeep Sharma and ₹50,000/- to the legal heirs of deceased Sukhdev Sharma, as per Section 357 (5) Cr.P.C. The appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence was dismissed by learned Sessions Judge, Fatehgarh Sahib, vide judgment dated 01.12.2022.

4. Before this Court, learned counsel for the petitioner does not seriously contest the impugned conviction. Learned counsel has confined his arguments only qua the order of sentence. It is submitted that petitioner has already undergone custody of 5 months and 9 days; that he has no criminal antecedent; that the accident had taken place approximately 5 years back; that injured and legal heirs of the deceased have been adequately compensated and so keeping in view these circumstances, petitioner may be sentenced for the period already undergone by him.

5. The factual position as above is not disputed by learned State counsel.

6. The prayer made by learned counsel for the petitioner is considered by this Court, to be quite reasonable. Having regard to the fact that the petitioner has already undergone custody period of 5 months and 9 days; that occurrence took place 5 years back; and that the injured and legal heirs of the deceased have been adequately compensated, it will be in the interest of justice to sentence the petitioner for the period already undergone by him.

7. Consequent to above, the impugned judgment of conviction is hereby maintained. However, the order of sentence is modified to the effect that petitioner is sentenced to undergo imprisonment for the period already undergone by him.

8. It is hereby made clear that in case, compensation amount as ordered by the Trial Court and upheld by the Appellate Court has not been paid, the same is to be deposited by the petitioner before the Trial

Court within 15 days from today. Release warrants of the petitioner be issued after ensuring that compensation amount has been paid.

Disposed of accordingly.

May 10, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No