

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Neutral Citation No. 2024:PHHC:000641
CRR-948-2019 (O&M)
Date of Decision: 04.01.2024

Sukhwinder Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sunny K. Singla, Advocate, for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

DEEPAK GUPTA, J.

In criminal case arising out of FIR No.31 dated 19.02.2012 registered at Police Station Mandi Gobindgarh under Sections 279, 427, 304A IPC, accused Sukhwinder Singh (now petitioner) has been convicted under Section 279 and 304A IPC vide judgment dated 10.10.2014 passed by Id. SDJM, Amloh. He was sentenced to undergo rigorous imprisonment for a period of 2 years and to pay fine of ₹500/- for committing the offence under Section 304A IPC with default simple imprisonment of 15 days. He was further sentenced to undergo rigorous imprisonment for a period of 6 months and to pay fine of ₹500/- for committing offence under Section 279 IPC with default sentence of 15 days. Both

the sentences were directed to run concurrently. Appeal filed by the petitioner against the conviction & sentence, has been dismissed by the Court of Ld. Additional Sessions Judge, Fatehgarh Sahib on 25.02.2019.

2. Against the aforesaid concurrent finding of conviction and sentence, the present revision is filed.

3. At the outset ld. counsel for the petitioner has made a statement that he does not press this revision petition against the conviction and prays for withdrawal of the same. However, ld. counsel has made a prayer to modify the impugned order of sentence by pointing out the period of custody already undergone by the petitioner and submits that petitioner may be sentenced for the period already undergone by him. Ld. counsel also submits that legal heirs of the deceased have already been duly compensated by way of the award passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib.

4. Ld. State counsel has no objection to concede to the aforesaid prayer.

5 As per the prosecution allegations, the accident took place on 17.02.2012, when petitioner driving his truck at about 3:15 PM struck against the bicycle of Munish Kumar @ Sukhdev Singh @ Judge, returning from the school, resulting in various injuries to him. Injured Munish Kumar @ Sukhdev Singh @ Judge later on succumbed to the injuries.

6. The accident had taken place in July 2012 i.e. more than 11 years back. As per the custody certificate placed on record, petitioner has already undergone actual sentence for 6 months and 9 days, though his total sentence by including remission period is 7 months and 9 days.
7. Ld. counsel for the petitioner has also placed on record copy of the award dated 17.10.2013 passed by ld. MACT, Fatehgarh Sahib, revealing that legal representatives of the deceased @ Sukhdev Singh @ Judge were allowed the compensation of ₹2,80,000/- along with interest etc.
8. Having regard to all the aforesaid facts and circumstances and the fact that legal representatives of the deceased have already been compensated and the fact that petitioner has already undergone sentence of more than 7 months, this Court is of the view that the period already undergone by the period is sufficient to meet the ends of justice, instead of sending him behind the bars after long time.
9. As such the impugned order of sentence, as passed by the trial Court and affirmed by the appellate Court, is hereby modified. Maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

Disposed of.

04.01.2024
Vivek

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

(DEEPAK GUPTA)
JUDGE

- Yes/No
- Yes/No