

Harpal Singh Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 14, 2013

Acts Referred: Penal Code, 1860 (IPC) â€” Section 279, 304A, 427

Hon'ble Judges: Rekha Mittal, J

Bench: Single Bench

Advocate: Arun Takhi, for the Appellant; Param Preet Singh Pau I, DAG, Punjab and Mr. Saurav Khurana, Advocate, for the Respondent

Final Decision: Disposed Off

Judgement

Rekha Mittal, J.

Through the present petition, petitioner assails the judgments passed by the Courts below whereby he has been convicted

for offence under Sections 279, 427, 304A IPC. Counsel for the petitioner states that he does not assail the judgments of the Courts below in

regard to conviction of the petitioner for the aforesaid offences, however, he may be heard on the question of sentence.

2. Counsel for the petitioner submits that criminal case was registered against him in November 2005 and he has faced the proceedings for the last

about 08 years. It is further submitted that the petitioner is in custody since confirmation of his conviction by the Court of Additional Sessions

Judge, Hoshiarpur on 11.4.2013. It is further submitted that the matter has been compromised between the petitioner and respondent Parminder

Singh as well as another class-I heir of deceased Mandeep Singh, who have filed their affidavits in the Court and got recorded their statements in

regard to amicable settlement of dispute between the parties.

3. Counsel for respondent No. 2 has not disputed that legal heirs of the deceased, namely, Parminder Singh (father) and Ranjit Kaur (mother) have

settled the matter with the petitioner by way of compromise, furnished their affidavits in the Court and got recorded their statements in regard to

compromise.

4. Counsel for the State of Punjab has not disputed the factual assertions made by counsel for the petitioner.

5. The criminal proceedings were initiated against the petitioner by lodging of first information report dated 2.11.2005 at the behest of Shingara

Singh, father of respondent Parminder Singh. The petitioner faced the agony of criminal proceedings for the last about 08 years. He is in custody

since 11.4.2013, for a period of more than four months. The matter has been settled by way of compromise between the petitioner and legal heirs

of deceased Mandeep Singh.

6. Keeping in view the totality of facts and circumstances discussed hereinabove, the sentence awarded to the petitioner for offence punishable

under Sections 279, 427, 304A IPC is reduced to the period already undergone by him. The petition stands disposed of with modification in the

aforesaid terms. He be released forthwith if not required in any other case.