

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5524/2008

(From the judgement and order dated 22/04/2008 in CRLRP No. 740/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUKHWINDER SINGH Petitioner(s)

VERSUS

STATE OF PUNJAB Respondent(s)

(With appln(s) for bail and office report )

Date: 14/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. K.K. Tyagi, Adv.  
Mr. Iftekhhar Ahmad, Adv.  
Mr. P. Narasimhan, Adv.

For Respondent(s) Mr. Ranjit Kapoor, AAG. Pb.  
Mr. Vikas Pahwa, Adv.  
Mr. S.N. Mehrotra, Adv.  
For Mr. Kuldip Singh, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard learned counsel for the appellant and learned counsel for the  
State.

The appellant is directed to be released forthwith, if not required in any  
other case.

The appeal is disposed of in terms of the signed order.

(R.K.DHAWAN)  
COURT MASTER  
(Signed order is placed on the file)

(VEERA VERMA)  
COURT MASTER

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL. APPEAL NO.1797 OF 2008

SUKHWINDER SINGH

... APPELLANT.

VERSUS

STATE OF PUNJAB

...RESPONDENT.

ORDER

Leave granted.

Heard learned counsel for the appellant and learned counsel for the State.

The appellant has been convicted under Sections 279, 304-A and 427 of the IPC and u/s 304-A IPC and was sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months. It is submitted that the fine has already been paid. Learned counsel for the appellant drew our attention to the fact as to how the accident had taken place. According to the learned counsel for the appellant, the appellant was driving a Maruti Car and was trying to overtake a truck and could not overtake the same and must have slowed down his vehicle and in that process the bus coming from backside must have hit the Maruti car and resulted in the death of the occupant of the car. It is true that the negligence is on the part of the appellant but the degree of negligence was not so warrant a punishment

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for a period of two years. The appellant has already undergone a sentence for a period of about seven months and this is admitted by the learned counsel for the State.

Having regard to facts and circumstances of the case, the sentence already undergone by the appellant is sufficient to meet the ends of justice. We confirm the conviction of the appellant but reduce the sentence to the period already undergone by him. The appellant is directed to be released forthwith, if not required in any other case.

The appeal is disposed of accordingly.

.....CJI

(K.G. BALAKRISHNAN)

.....J

(P. SATHASIVAM)

NEW DELHI;  
NOVEMBER 14, 2008.