

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 1471 of 2004 (O&M)
Date of decision: 09.9.2015**

Kewal Singh alias Basant

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Aditi Girdhar, Advocate
Legal Aid counsel for the petitioner.

Mr. J.S.Sekhon, AAG, Punjab.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 279, 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 115 dated 19.9.1996, registered at Police Station Sadar Pathankot. Trial Court vide judgment/order dated 5.6.1999 ordered the conviction and sentence of the petitioner under Section 279, 304-A IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 13.7.2004. Hence, the present petition by the petitioner.

Prosecution story, in brief, is that on 19.9.1996, complainant Chaman Lal was going towards Taragarh along with his nephew Suresh Kumar, on their bicycles. When they reached near the railway crossing, at about 10.30 A.M., a bus bearing No. PB-06-1206 belonging to Sahni Transport Company, came from

behind and struck against the bicycle of Suresh Kumar. As a result of this, Suresh Kumar came under the rear wheel of the bus and died at the spot.

After completion of investigation and necessary formalities challan was presented against the petitioner.

Learned counsel for the petitioner has submitted that the identity of the petitioner was not established in the present case. Petitioner was not named in the FIR and was arrested at a later stage.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the bus driven by the petitioner, was taken in possession from the spot. The eye witnesses had duly identified the petitioner as driver of the bus, while appearing in the witness box.

In the present case, the eye witnesses examined during trial supported the prosecution case. The bus in question was taken in possession from the spot. DW-1 Chhaju Singh deposed that the bus in question had left from Pathankot at 9.15 A.M. on 19.9.1996. The said witness, however, had failed to rebut the statements of the eye witnesses to the effect that the petitioner was driving the bus in question at the time of the alleged accident. The eye witnesses had no ill-will or enmity against the petitioner to have falsely involved him in this case. In the present case, Suresh Kumar has died due to rash and negligent driving of the petitioner while driving the bus in question. The bus driven by the petitioner had struck against the bicycle driven by the deceased from behind and as a result of this, Suresh Kumar was run over under the rear wheel of the bus and died at the spot.

In the facts and circumstances of the present case, the

Courts below had rightly ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 279, 304-A IPC.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

September 09, 2015

Gurpreet