

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

\* \* \* \* \*

Crl. Rev No. 1381 of 2006  
Date of decision : January 28, 2015

\* \* \* \* \*

Sukhwinder Singh  
.....Petitioner

Versus

State of Punjab  
.....Respondents

\* \* \* \* \*

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

\* \* \* \* \*

Present: Mr. S.S Ranghi, Advocate for the petitioner.  
  
Mr. Gurveer Sidhu, AAG, Punjab.

\* \* \* \* \*

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the digest?

RITU BAHRI, J

Present petition has been filed against the judgment dated 12.6.2006 passed by the Additional Sessions Judge (Fast Track Court), Ludhiana whereby the appeal against the order dated 29.9.2003 passed by the Sub Divisional Judicial Magistrate, Samrala has been dismissed. Vide the judgment of conviction/order of sentence dated 29.9.2003, trial Court convicted and sentenced the petitioner as under:

| Offence               | Sentence                                                                                                                                                                    |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 279 IPC | To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-. In default of payment of fine to further undergo simple imprisonment for 15 days |

| <i>Offence</i>          | <i>Sentence</i>                                                                                                                                                              |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 304-A IPC | To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2000/-. In default of payment of fine to further undergo simple imprisonment for 15 days  |
| Under Section 427 IPC   | To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-. In default of payment of fine to further undergo simple imprisonment for 15 days. |

All the sentences were order to run concurrently.

Prosecution version in brief is that on 11.5.1999 police party headed by ASI Gurmit Singh was present at Neelon Bridge in connection with patrolling. Kewal Singh son of Sarwan Singh recorded his statement that he along with Sukhdev Singh, Pritpal Singh, Nachhattar Kaur and others in Jeep No. RJ 13-0308 which was being driven by him were going from Nathu wala to Anandupur Sahib to pay obeisance. One truck No. HR-29-C-4825 came from the front side which was being driven rashly and negligently and hit the the right side of his jeep. Due to which, jeep went out of control and Sukhdev Singh, Pritpal Singh who were sitting behind on the right side received multiple injuries and the right arm of Nachhattar Kaur was cut. Sukhdev Singh, Nachhattar Kaur and Pritpal Singh died at the spot. Accident occurred at about 5.25 p.m. Kewal Singh started for the police station when ASI Gurmeet Singh met him at the canal bridge to whom the statement was made by Kewal Singh. It was forwarded to the Police Station. In this background, FIR was registered.

After the completion of investigation, accused was challaned. Finding a prima facie case against he accused under

Section 279, 304-A, 427 IPC, accused was charge sheeted accordingly, to which he did not plead guilty and claimed trial.

In order to prove its case, the prosecution examined as many as eight witnesses and thereafter the evidence of the prosecution was closed.

Statement of the accused was recorded under Section 313 Cr.P.C wherein entire incriminating evidence appearing against him was put to him, however, he denied the same.

The trial Court after going through the entire evidence led by the prosecution convicted and sentenced the accused-petitioner in the aforesaid terms.

Learned counsel for the petitioner, at the outset, does not challenge the order of conviction on merits and restricts his prayer to the quantum of sentence.

Having examined the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

As per the custody certificate, the petitioner has undergone one months 6 days in custody out of substantive sentence of two years awarded to him. After his release on bail on 18.7.2006, he has not misused the concession of bail. Moreover there is no other case pending against him.

In view of the above and keeping in view the fact that the accident in the present case took place in the year 1999 and the

petitioner has been facing the protracted criminal trial for almost 15 years as of now, the sentence of the imprisonment awarded to the petitioner is reduced to the period already undergone by him.

However, keeping in view that due to rash and negligent driving of the present petitioner, three persons i.e. Sukhdev Singh, Nachhattar Kaur and Pritpal Singh lost their valuable lives, adequate compensation be given to the legal heirs. Since the accident took place in the year 1999, this Court is of the view that the petitioner shall give Rs. 60,000/- to each of the legal heirs of the deceased within a period of three months.

With the above modification, the petition stands disposed of.

**January 28, 2015**  
*ritu*

**( RITU BAHRI )**  
**JUDGE**