

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**C.R.R. No.1458 of 2006**

**Date of Decision : 19.08.2015**

Teg Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

\*\*\*

Present : Mr. Naresh Kaushal, Advocate  
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

\*\*\*

1. Whether Reporters of local papers 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?

**AJAY TEWARI, J. (Oral)**

By this petition the petitioner has challenged the concurrent judgments of the Courts below sentencing him to undergo rigorous imprisonment of 1 year under Sections 304-A and 279 IPC.

As per the prosecution case, on 16.02.2002 one Prem Singh son of Inder Singh was going on a cycle from Shahzadpur side and the petitioner, who was driving a truck, collided into him from behind resulted into his death. The accident was witnessed by Bahadur Singh and Prem Singh son of Ram Singh. As per the prosecution version, the petitioner did

not stop and went on ahead after hitting the deceased. However, after sometime a Canter came and both the eye witnesses boarded that Canter and overtook the petitioner and brought him back. Both the eye witnesses appeared and supported the case of the prosecution. The investigating officer appeared as PW6 and corroborated the assertion that the petitioner was produced before him by the two eye witnesses. In view thereof, the petitioner was convicted as mentioned above and sentenced to undergo one year imprisonment along with fine of Rs.5000/-.

Learned counsel for the petitioner has argued that there were discrepancies in the statement of PW1 and PW2 in so much as one had deposed that he had seen the accident taking place from a distance of 150 feet, whereas the other witness had deposed that he had seen the accident from 25/30 feet; one had deposed that the Canter in which the offending truck was chased came after 10 minutes, whereas the other witness had deposed that the said Canter had come after 5/6 minutes; one had stated that the offending truck was intercepted after 11/12 kms., whereas the other witness had deposed that it was intercepted after 5/6 kms. He has further argued that these inconsistencies are fatal to the prosecution story.

These facts have been considered by the Courts below and both the Courts below have observed that with the passage of time evidence may have some small discrepancies but those cannot be blown up into mountains. In my opinion, the conclusion drawn by the Courts below are correct. Once it is not established that the witnesses were interested in any manner then it can be concluded that small discrepancies which have arisen

is the result of passage of time. There is no motive for those eye witnesses to have falsely implicated the petitioner. Consequently, the conviction of the petitioner cannot be set aside and the same is upheld.

Coming to the sentence, the learned counsel for the petitioner has argued that the petitioner has faced the agony of these proceedings for more than 13 long years and this would call for some reduction in the sentence since he is an old man of 68 years. Learned Deputy Advocate General has accepted these factual assertions but has placed reliance upon the decision of the Hon'ble Supreme Court in *State of Punjab v. Saurabh Bakshi, 2015 RCR (Crl) 495*, to argue that their Lordships have held that the offence of rash and negligent driving is assuming alarming proportions resulting in mushrooming of road fatalities, and have directed that the sentence has to be commensurate with these realities. Learned counsel for the petitioner has countered by arguing that in Saurabh Bakshi's case (supra), sentence had been reduced to that which had already been undergone and the accused therein had undergone only 23 days out of total sentence of 1 year and that was the context in which the Hon'ble Supreme Court had made the observations and further that in the said case, their Lordships reduced the sentence to six months.

Keeping in view the decision in Saurabh Bakshi's case (supra) and the facts mentioned above, I deem it appropriate to dismiss this revision petition but reduce the sentence of the petitioner to four months. Ordered accordingly. Let the petitioner be now apprehended to serve out the remaining period of sentence.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**AUGUST 19, 2015**

*ashish*

**( AJAY TEWARI )  
JUDGE**