

**376 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRR No. 1963 of 2007.
Decided on : 19.10.2015.****Paramjit Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM : Hon'ble Mr. Justice Jitendra Chauhan****Present :** Mr. Jitender Dhanda, Advocate,
Amicus Curiae for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J.

This revision is directed against the judgment dated 6.8.2007, passed by the Additional Sessions Judge (Adhoc)-CUM-Fast Track Court, Rupnagar, the judgment of conviction and the order of sentence dated 22.3.2006, passed by the Additional Chief Judicial Magistrate, Ropar vide which the petitioner was convicted and sentenced as under:-

Offence	Sentence	Fine	In default
279 IPC	--	Rs.500/-	--
338 IPC	RI for 6 months	Rs.500/-	SI for 1 month
304-A IPC	SI for 2 years	Rs.1000/-	SI for 1 month

All the substantive sentences were ordered to run concurrently.

The brief facts of the case as noticed in the judgment passed by the Additional Sessions Judge are as under:-

“The brief facts of this case are that this case was registered on the statement of complainant Constable Harvinder Singh recorded by ASI Jarnail Singh of Police Station City Kurali on 3.12.1999 at about 8.40 P.M in the area of Bus Stand, Kurali. The complainant recorded in his statement that he is posted as a Constable in Police Post City Kurali and today he along with H.C. Kewal Singh and PHG Shamsher Singh were present on his duty at Bus Stand, Kurali then it was about 7-00 P.M that a truck bearing registration No. PB-12-A-4866 came there which was driven at a high speed and rash and negligently and came from the Railway Crossing, Kurali and struck the truck with the scooter bearing registration No. CH-01-V-6397 from the back side and rider of the scooter namely Kamaljit Singh and Kirpal Singh, a resident of village Khizrabad suffered many injuries, after that the truck driver struck the truck with Parshotam Lal, an employee of Punjab Home Guard and his wife Rama Devi and killed both of them and truck driver ran away along with the truck.

The complainant further submitted that he chased the truck on his scooter and the truck driver again

struck the truck with a motor cycle near Walia Service Station, Kurali and killed Ramanjot Singh, a rider of the motor cycle and further the truck driver struck the truck in a transformer near Goldi Factory by taking the truck on a wrong side and broke the pole of the transformer. Due to this, electric wires fell on the ground. The complainant further submitted that he reached near the truck and asked the name of the driver who told his name as Paramjit Singh son of Hansa Singh, resident of village Kalal Majra and then suddenly the electric light became off and many people assembled there and truck driver ran away from the place of occurrence by taking the benefit of darkness. The complainant further submitted that due to the rash and negligent driving, the truck driver caused the death of Gurmit Singh, a resident of village Kanoran and Rashid, a resident of Fatehgarh Sahib and also caused injuries to Ram Parkash, a resident of Chanalon and also caused the death of Parshotam Lal, Rama Devi and Gurmit Singh while driving the truck bearing registration No. PB-12-A-4866 by rash and negligent manner and also caused injuries to Ramajot Singh, Karamjit Singh, Kirpal Singh,

Rashid and Ram Parkash.”

The FIR was registered against the accused under Sections 279, 337, 338, 304-A and 427 IPC and after completion of necessary formalities of investigation, challan/report under Section 173 Cr.P.C was presented in the Court against the accused. Charges under Sections 279, 338 and 304-A IPC were framed against the accused to which the accused pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined PW-1 Harvinder Singh, PW-2 Kamaljit Singh, PW-3 ASI Tarlochan Singh, PW-4 Kirpal Singh, PW-5 Dr. Pushpinder Singh, PW-6 Ajit Singh, PW-7 Dr. S.K. Devgan, PW-8 HC Gurdeep Singh, PW-9 Dr. Harsh Kumar, PW-10 Mangat Ram, PW-11 SI Jarnail Singh, PW-12 HC Kewal Singh, PW-13 Jasbir Singh and closed the evidence.

The statement of accused was recorded under Section 313 Cr.P.C and all the incriminating circumstances appearing in the prosecution evidence were put to the accused to which the accused denied and pleaded false implication and that he was not driver of the truck bearing No. PB-12-A-4866 on 3.12.1999. No evidence in defence was led by the accused.

After appraisal of the evidence, learned trial Magistrate, vide the judgment and order dated 22.3.2006, convicted and sentenced the accused as narrated above.

Feeling dis-satisfied with the judgment dated

22.3.2006, the accused preferred an appeal which was dismissed vide

the impugned judgment dated 6.8.2007.

Still feeling aggrieved by the aforesaid judgments, the accused has filed the present revision petition.

On behalf of the petitioner, it is contended that the identity of the accused is not established in this case as the occurrence took place at 7.00 p.m when darkness had already descended. He further states that none of the prosecution witnesses including the injured, Kamaljit Singh could identify the accused.

PW-3 ASI Tarlochan Singh conducted mechanical test of the truck bearing No. PB-12-A-4866. He submitted his report Ex. PW-3/A wherein it was stated that the truck in question was mechanically tested by him and he found that the truck was damaged from front side and the damage was very extensive. The accused was identified by the complainant, Harvinder Singh, while appearing as PW-1, identified the accused to be the person who caused the accident. The statement of PW-1, Harvinder Singh is corroborated by the testimony of PW-12, HC Kewal Singh. PW-12 stated that he along with HC Harvinder Singh and PHG Shamsheer Singh was on duty near Bus Stand, Kurali on 3.12.1999 and the accident was caused due to the rash and negligent driving of the offending truck driven by the accused, Paramjit Singh. This witness has also identified the accused to be the person who was driving the offending vehicle at the relevant date and time. Further, PW-4, Kirpal Singh, who suffered injuries in the accident, deposed that the accused was the person who was driving the

offending vehicle at the relevant time. The evidence of PW-1, PW4 and PW-12 is in consonance with each other. They were subjected to the test of cross-examination but nothing could be elicited to shake their veracity. So, it is sufficiently proved on record that on 3.12.1999 at about 7.00 pm, the accused Paramjit Singh was driving the offending truck in a rash and negligent manner and caused the death of Parshotam Lal, his wife Rama Devi and Gurmit Singh and also caused injuries to Kamaljit Singh, Ram Parkash, Ramajot Singh and Kirpal Singh. The prosecution has successfully established the identity of the accused. The contention of the learned Counsel of the petitioner regarding reduction of sentence is rejected as there are three deaths on account of his rash and negligent act of driving the vehicle. The conduct of the petitioner in causing the accident in question resulting into the death of a couple and in the process killing another person and ultimately hitting a transformer is suggestive of the fact that the petitioner was grossly rash and negligent in driving the vehicle. Therefore, in such circumstances, no leniency can be shown to the petitioner.

No other point was urged before this Court.

In view of the observations made above, the present revision petition is dismissed. The impugned judgments and order are upheld. The accused is on bail. He be taken into custody to serve the remaining part of the sentence.

19.10.2015.
SN

(JITENDRA CHAUHAN)
JUDGE