

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.Revision No.2231 of 2007 (O&M)
DATE OF DECISION : 8.7.2015

Surat Singh

PETITIONER

VERSUS

State of Haryana

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

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 ?

Present:- None for the petitioner.

Shri Anmol Malik, A.A.G. Haryana.

MAHESH GROVER, J.

The petitioner impugns the judgment/order dated 20.2.2006/22.2.2006 of the C.J.M. Kaithal as also that of the Sessions Judge, Kaithal dated 23.11.2007 vide which the petitioner was convicted under Section 279 I.P.C. and sentenced to undergo S.I. for three months and to pay a fine of Rs.500/-, in default of payment of fine, to further undergo S.I. for 15 days. He was also convicted under Section 337 I.P.C. and sentenced to undergo S.I. for three months and to pay

a fine of Rs.500/-, in default of payment of fine, to further undergo S.I. for 15 days.

As per the prosecution case, the petitioner while driving Bus No.HR10A-1674 in the area of Police Station, Siwan, committed the offence of rash and negligent driving thereby endangering human life and personal safety of others and caused simple hurt to Gurmail Singh, Ram Piari, Balwan Singh, Vidhya and Gurmej.

There is no representation on behalf of the petitioner.

I have perused the impugned judgments and find that identity of the petitioner and his negligence stands established from the facts of the case. The petitioner did not lead any evidence to show that he was not driving the bus. The bus is said to have dashed against a tree on account of high speed while overtaking another vehicle by the petitioner. The fact that the petitioner while driving the bus was overtaking another vehicle and he could not control it, indicates that the petitioner was driving it negligently and rashly. Thus, there is no escape from the conclusion that the petitioner had caused the accident due to his negligent conduct.

The conviction awarded by the courts below therefore, does not warrant any interference. However, I am of the view that since the petitioner is the first offender, the benefit of probation could have been granted to him considering the fact that it was his first mistake. The purpose of probation is to afford an opportunity to a person to reform himself and this ought to have been the underlying consideration by the courts below. Besides, the accident took place in 1996 and nineteen years have elapsed since then and one died.

Accordingly, while maintaining the conviction, I would deem it appropriate to grant probation to the petitioner in terms of Section 360 Cr.P.C. on his furnishing probation bonds to the satisfaction of the trial Court which shall be

free to impose any other conditions, as it may deem fit.

With the above modification in sentence, the petition stands disposed
of.

July 8, 2015
GD

(MAHESH GROVER)
JUDGE