

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2530 of 2008 (O&M)
Date of decision: 09.9.2015

Sucha Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kanwaljeet Singh, Senior Advocate with
Mr. B.B.S.Randhawa, Advocate
for the petitioner.

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

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 304-A, 279 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 205 dated 10.6.2005, registered at Police Station Sadar Muktsar. Trial Court vide judgment/order dated 19.3.2008 ordered the conviction and sentence of the petitioner under Section 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 14.11.2008. Hence, the present petition by the petitioner.

Prosecution story, in brief, is that on 10.6.2005, complainant Darshan Singh was travelling in a jeep driven by Gurcharan Singh. When they reached outskirts of village Warring, a bus bearing No. PB10-H05-T-2834 came from the opposite side and struck against the jeep. As a result of this, Gurcharan Singh

suffered injuries and died on the way to the hospital.

Learned senior counsel for the petitioner has submitted that admittedly, petitioner was driving the bus in question at the time of occurrence. However, the accident had not resulted due to the rash and negligent driving of the petitioner while driving the bus in question. The bus in question was coming from Kotakpura side whereas the jeep was going towards Kotakpura side. Learned senior counsel has further submitted that a perusal of the photographs Exhibit D-1 to Exhibit D-4 reveal that the bus in question was coming on its correct side. Learned senior counsel has further submitted that the said photographs in question were proved by PW-5 Sub Inspector Ram Pal. The said witness had further stated that the bus was standing on its left side of the road and the jeep was standing in the middle of the road.

Learned State counsel, on the other hand, has opposed the petition.

Annexure PW-5/C is the site plan prepared by PW-5. A perusal of the same reveals that the bus in question was standing on its left side of the road whereas the jeep has been shown at point B which is somewhere in the middle of the road. The site plan is duly corroborated by the photographs Exhibit D-1 to Exhibit D-4 which were proved on record by PW-5 in his cross-examination. When the photographs Exhibit D-1 to Exhibit D-4 were put to the investigating officer in his cross-examination, he stated that the same were correct as per the position at the spot. PW-5 further admitted that the bus was standing on the left side of the road whereas the jeep was in the middle of the road. A perusal of the photograph Exhibit D-3 further leads to the inference that the bus was travelling on its correct side of the road. The pieces of

broken glass visible in photograph Exhibit D-3 shows that at the time of accident, the bus was on its correct side of the road. Although, the eye witnesses had deposed that the accident had taken place due to rash and negligent driving of the bus driver-petitioner but their statements stand rebutted by the site plan coupled with photographs Exhibit D-1 to Exhibit D-4. Hence, in the present case, petitioner is liable to be acquitted of the charges framed against him by giving him benefit of doubt.

Accordingly, this petition is allowed. Impugned judgment/orders of the Courts below are set aside. Consequently, petitioner is acquitted of the charges framed against him.

**(SABINA)
JUDGE**

September 09, 2015
Gurpreet