

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

**CRR No.2425 of 2014
Date of decision: 13.01.2015**

Sukhjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN.

Present: Mr. NPS Mann, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

JITENDRA CHAUHAN J. (Oral)

The present revision petition has been filed by the petitioner for quashing/setting-aside the judgment dated 18.03.2013, passed by Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar and judgment dated 20.05.2014, passed by Sessions Judge, Shaheed Bhagat Singh Nagar.

The brief facts of the case in hand, recorded by the learned trial Court are that on 29.06.2006, Sat Pal, son of Darshan, resident of Village Girdarpur, P.S. Bilsa, District Bandayu (Uttar Pradesh) at present Village Bahrowal, PS Banga, District Nawanshahar, made statement before the SI Satish Kumar to the effect that he is resident of aforesaid address and is labourer by

profession. On 29.06.2006 in the morning, he along with his brother Lakhan Singh came to Banga on their respective cycles in connection with work and at about 6.15 a.m., after finishing their work they were going back to Village Bahrowal and when they reached a little before Bus Stand, Banga one truck tralla bearing No.PB-12-H-9217, came from Nawanshahar side and it was being driven by its driver in rash and negligent manner at high speed and struck against the cycle of Lakhan Singh, as a result of which his cycle got damaged badly and Lakhan Singh was dragged by the truck to some distance. Lakhan Singh died at the spot. He came to know the name of driver of said truck as Sukhjinder Singh son of Jagjit Singh resident of H.No.384, Giani Zail Singh Nagar, Ropar.

I have heard the learned counsel for the parties and have perused the file with their able assistance.

Both the Courts below have concurrently held that it is proved beyond doubt that the revisionist-petitioner caused the death of Lakhan Singh rashly and negligently driving the truck trolia and also drove the vehicle on the public way rashly and negligently endangering the human life and safety of others. It is a case of mere denial of accident. The revisionist-petitioner only pleaded false implication.

The contention of the learned counsel for the petitioner that the petitioner was not driving the vehicle at the time of the

accident, is repelled as it is a case of eye witness account. The witness has also identified the petitioner in the Court. PW-Sat Pal stated that the driving licence of the petitioner was found from the truck itself immediately after the accident. There is no explanation coming from the mouth of the accused-petitioner that as to how his driving licence came in police possession immediately after the accident. The witness saw the petitioner running away from the spot after causing the accident. So, there is no doubt about the identity of the petitioner.

The contention of the learned counsel for the petitioner that it was the deceased who was driving his cycle on the middle of the road, the witness and the deceased were riding the different cycles parallel to each other and that it was the deceased who was at fault, not the petitioner; does not cut much ice. The petitioner was driving a heavy vehicle, the tractor trolly. He was to be very careful in noticing the traffic going ahead of him. If someone is going ahead of the truck-trolly driven by a driver, it does not mean that he may run over anybody going ahead of him. He ought to have slow down his speed and to blow horn to feel the other traffic his presence on the road. He drove the vehicle so rashly and negligently that could not control his vehicle, thereby causing the death of the cyclist. Both the Courts below are consistent on the finding of fact that the petitioner has caused the accident, to which this Court has very limited power to interfere with. There is no

misreading and non-appreciation of evidence of the eye-witness, photographs of the accident and testimony of Investigating Officer by the Courts below.

The last contention of the learned counsel for the petitioner that some lenient view may be taken, he is the first offender and he may be released on probation. The learned Appellate Court has elaborately dealt with the point of quantum of sentence. This Court feels that the sentence awarded is proportionate to the gravity of the offence and requires no modification or reduction.

In “*State of Madhya Pradesh Vs. Surendra Singh*” 2014(6), Recent Apex Judgments 363-364 (SC), it has been held that where the accused caused death by rash and negligence driving, meagre sentence not be imposed. It is observed as under:-

- (i) High Court showed undue sympathy by modifying the conviction to the period already undergone, undue sympathy would be more harm to the justice system to undermine the public confidence in the efficacy of law.*
- (ii) The Court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment.*
- (iii) Meagre sentence imposed solely on account of lapse of time without considering the degree of the offence will be counter-productive in the long run and against the interest of the society.*

(iv) The punishment should not be so lenient that it shocks the conscience of the society.

Keeping in view the above, the judgment of conviction and sentence of both the Courts below calls for no interference and are hereby affirmed.

This appeal fails and is dismissed.

(JITENDRA CHAUHAN)
JUDGE

13.01.2015
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