

CRR-3533-2015

[1]

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

CRR-3533-2015

Date of decision: 29.10.2015

Deepak Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajesh K. Kataria, Advocate
for the petitioner.

SABINA, J

Petitioner had faced trial in FIR No.48, dated 19.04.2011, under Sections 304-A, 279 and 427 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Guruhar Sahai. Trial Court vide judgment/order dated 18.11.2014 ordered the conviction and sentence of the petitioner under Section 304-A IPC. The said conviction and sentence of the petitioner as ordered by the trial Court was upheld by the Appellate Court vide judgment dated 25.05.2015. Hence, the present petition.

Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case. In fact, petitioner was neither owner nor driver of the vehicle in question. No identification parade of the petitioner was got conducted during investigation of the case.

Prosecution story, in brief, is that on 18.04.2011 at

CRR-3533-2015

[2]

about 9/9;30 a.m., complainant Kulwant Singh and Buta Singh were travelling on their separate motorcycles towards Jalalabad. When they had reached link road of village Peer Bakash Chauhan near Solvex factory, a tempo bearing No.PB05L-9378 came from Jalalabad side. The tempo was being driven in a rash and negligent manner and the driver of the said vehicle by bringing the vehicle on the wrong side of the road struck against the motorcycle driven by Buta Singh. Buta Singh fell from the motorcycle and suffered multiple injuries. Buta Singh was shifted to Civil Hospital Jalalabad and was referred to Medical Collage Faridkot. However, later Buta Singh succumbed to his injuries.

After completion of investigation and necessary formalities, challan was presented against the petitioner.

Complainant appeared in the witness box as PW1 and deposed as per the contents of the FIR. There is nothing on record to suggest that PW-1 had any enmity or ill-will against the petitioner to have falsely involved him in this case. Although, in the present case, no test identification parade was got conducted but the eyewitness had duly identified the petitioner in the Court as he had seen the petitioner at the time of the accident. The vehicle driven by the petitioner was recovered from the spot. From the statement of complainant PW-1, it was duly established that the accident in question had taken place due to rash and negligent driving of the petitioner.

CRR-3533-2015

[3]

There is nothing on record to suggest that the petitioner was not the driver of the vehicle in question at the time of the accident.

In view of the facts and circumstances of the case, the Courts below had rightly ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 304-A IPC as the prosecution had been successful in proving its case. No ground for interference by this Court is made out.

Dismissed.

October 29, 2015
kapil

(SABINA)
JUDGE