

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

C.R.R No.3831 of 2015 (O&M)

Date of Decision : 03.12.2015

Darshan Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. H.N.S. Gill, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

On 29.10.2015 the following order was passed:-

“By this revision the petitioner has challenged the concurrent conviction under Sections 279 & 304-A IPC and the sentence of two years.

The allegations in brief are that the petitioner was driving Punjab Roadways Bus bearing No.PB-12-C-9026 rashly and negligently and he collided with Scooter bearing No.PB-12-H-1153 and one Gurcharan Singh died. The brother and father of the deceased were eye witnesses and their testimonies could not be shaken in cross-examination.

Learned counsel has however argued that the

investigating officer who made the site plan did not appear to give his testimony and therefore the conviction is rendered doubtful.

*In my opinion, there is no warrant for this proposition. Here is a case where the eye witnesses had deposed consistently with the version of the FIR. The fact that investigating officer did not appear was considered by both the Courts below and after going through all the evidence the petitioner was found guilty of the said offences. In the circumstances, it cannot be said that the conclusion drawn by the Courts below is so palpably perverse or erroneous so as to justify interference with regard to conviction in the revisional jurisdiction of this Court. However, I find that there may be some scope for reduction of the sentence because present is a case where the petitioner has been a professional driver for 18 years and it is the first such infraction stated to have been committed by him. Further in the judgment dated 30.03.2015 passed in Criminal Appeal No.520 of 2015 titled as **State of Punjab vs. Saurabh Bakshi**, the Hon'ble Supreme Court in a similar case has reduced the sentence to six months.*

In the circumstances, notice is issued regarding quantum of sentence.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day.

Adjourned to 03.12.2015.

In the meantime, learned State Counsel is directed to place on record the custody certificate.”

Custody certificate filed in Court by way of counter affidavit

filed by Dalbir Singh, Superintendent, District Jail, Roopnagar is taken on record. As per the custody certificate the petitioner has undergone 02 months 14 days of actual sentence out of the total sentence of 2 years.

In my opinion, it would be appropriate if the sentence of the petitioner is reduced to six months. In the circumstances, even while dismissing this revision and upholding the conviction of the petitioner, I reduce the sentence of the petitioner to six months.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

December 03, 2015

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**(AJAY TEWARI)
JUDGE**