

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

CRR-4017-2015

Date of decision: 19.10.2015

Palwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S. Randhawa, Advocate,
for the petitioner.

SABINA, J

Petitioner had faced the trial under Sections 279 and 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No.127, dated 01.10.2008, registered at Police Station Kurali. Trial Court vide judgment/order dated 16.07.2014 ordered the conviction and sentence of the petitioner under Sections 279 and 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 01.05.2015. Hence, the present petition.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Prosecution story, in brief, is that on 01.10.2008 at about 5:30 p.m., complainant Jasbir Singh and his uncle Jaswinder Singh were standing at bus-stand, Lakhnaur. In the meantime, Balwinder Singh uncle of the complainant came on a motorcycle bearing No.PB-27B-0751 and he (Balwinder Singh) was

going from his fields towards his village. Canter bearing No.HR-37B-4406 came from Chandigarh side at a fast speed and struck against the motorcycle driven by Balwinder Singh from behind. As a result of this, Balwinder Singh suffered injuries. Petitioner fled away from the spot by leaving his vehicle. Later Balwinder Singh succumbed to his injuries.

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

During trial, complainant appeared in the witness box as PW-1 and deposed as per the prosecution story. Statement of the complainant was duly corroborated by PW-2-Jaswinder Singh. Although, in the present case, no test identification parade was got conducted of the petitioner but PW-1 and PW-2 had duly identified the petitioner during trial. Moreover, the vehicle driven by the petitioner was recovered from the spot and there is nothing on record to suggest that the canter in question was not being driven by the petitioner at the time of occurrence. PW-1 and PW-2 had no enmity or ill-will against the petitioner to have falsely involved him in this case.

Since the prosecution had successfully proved its case, the Courts below had rightly ordered the conviction and sentence of the petitioner under Sections 279 and 304-A IPC. No ground for interference by this Court, is made out.

Dismissed.

October 19, 2015
kapil

(SABINA)
JUDGE