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

CRR No.669 of 2015 (O&M)

Date of decision: February 25, 2015

Mange Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. I.P.S. Doabia, Advocate
for the petitioner.

SABINA, J

Petitioner had faced trial in FIR No.134 dated 17.02.2007, under Sections 279, 337, 338, 304-A of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadar, Hisar. Trial Court vide judgment/order dated 19.11.2013/21.11.2013 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 279, 337, 338, 304-A IPC. Appellate Court vide order dated 21.01.2015 upheld the conviction and sentence of the petitioner as ordered by the trial Court. Hence, the present petition by the petitioner.

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 17.02.2007, complainant-Baljit was travelling on his motorcycle bearing No.HR 20E 6293 towards village Satrod Khurd. At about 9:30 AM, when the complainant reached Bhakra Beas Management

Board, he saw that his brother Raj Kumar alongwith Sunil were going towards Hisar from Satrod side on his motorcycle bearing No.HR 20G 3239. Motorcycle was being driven by Sunil, whereas brother of the complainant was sitting on the pillion seat. In the meantime, truck bearing No. HNT 1411 came from Satrod side and struck against the motorcycle bearing No.HR 20G 3239 from behind. As a result of this, Raj Kumar fell on the road and got crushed under the rear wheel of the truck and died at the spot.

Complainant appeared in the witness box as PW1 and deposed as per the prosecution case. PW2 Sunil-injured corroborated the statement of the complainant. Offending truck in question was recovered from the spot. Since the petitioner while driving the offending truck had struck against the motorcycle from behind on which the deceased and injured were travelling, the Courts below rightly came to the conclusion that the petitioner was guilty of the charges framed against him. Learned counsel for the petitioner has failed to point out any misreading of evidence by the Courts below warranting interference by this Court.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 25, 2015

m.singh