

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1592 of 2012 (O&M)
Date of Decision: May 03, 2016

Jasbir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jasbir Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 13.03.2009 passed by learned Sub Divisional Judicial Magistrate, Zira, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 279 IPC and to undergo rigorous imprisonment for a period of one and half years and to pay fine of ₹3000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months under Section 304-A IPC

and also challenging the judgment dated 14.05.2012 passed by learned Addl. Sessions Judge, Ferozepur, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the order dated 09.07.2012 passed in this case, the petitioner stated that he shall arrange ₹90,000/- which shall be paid to the legal heirs of the deceased. Later on, learned counsel for the petitioner informed the Court that petitioner is not able to comply with the order dated 09.07.2012 to arrange and pay sum of ₹90,000/- to the legal heirs of the deceased.

Learned counsel for the petitioner, even today did not press the conviction of the present petitioner and only prayed for reduction of sentence.

The brief facts of the case as noted down by learned SDJM, Zira, in his judgment are as under:-

“Briefly stating the facts as alleged by the prosecution are that the present case was registered on the basis of statement made by complainant Wazir Chand to Sh.Karnail Singh ASI In-charge Police Post Behak Pachharian on 07.08.1998, wherein he submitted that he is resident of Makhu and is having his shop to sell utensils. On the day of occurrence i.e. 07.08.1998, he along with Kewal Krishan on his scooter bearing registration No.PB-05-7600 was going from Makhu to Zira. When they reached near Bus Stand Behak Pachharian, one Maruti car bearing No.PB-47-4066 was coming from back side and it crossed to scooter driven by complainant.

When the car was going ahead and they were behind the car at the distance of about 2 killas, then at about 1.30 p.m., one private Bus bearing registration No.PB-029472 of Bhoo Transport was coming from the opposite side from Zira which was being driven in rash and negligent manner. Ultimately said bus hit said car which was going ahead of scooter of complainant. When the complainant reached near the car which had suffered accident, he found car driven namely Arnest Masih resident of Makhu, Nand Kishore, Manager, State Bank of India, Makhu on the front seat of car and Sh.Ajmer Singh, AG-1 in F.C.I, Makhu, outside the car lying and they had succumbed to the injuries suffered due to the accident, Paloos Gill, Cashier, State Bank of India and Gunamn Darshan Singh who were travelling in the said car, had also suffered injuries. Both complainant and Kewal Krishan removed the injured to Civil Hospital, Zira, whereas the driver of the bus fled away from the spot. On registration of the case, the investigation was conducted. The statements of witnesses were recorded. Site plan was prepared. Post mortem of the deceased was got conducted. Accused Jasbir Singh was apprehended. After completion of the investigation, instant challan against the accused as presented.”

The perusal of the record shows that in the alleged accident, three persons have been killed due to rash and negligent driving of the petitioner and secondly, even the petitioner has failed to comply with the order to pay ₹90,000/- to the legal heirs of the deceased.

In view of the above facts, I do not find any ground to reduce the sentence of the petitioner.

Therefore, finding no merit in the present revision petition, the same is dismissed.

As petitioner Jasbir Singh is on bail, his bail bonds stand cancelled and he is directed to surrender himself before the jail authorities immediately for completing remainder of sentence, failing

which the concerned authority shall proceed against him in
accordance with law.

May 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE