

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2209 of 2015 (O&M)
DECIDED ON: JANUARY 27, 2016

NARINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 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?***

sentenced to undergo RI for a period of one year; besides his sentence for some other offences alongwith fine. The said judgment and order of sentence was affirmed by learned Additional Sessions Judge, Amritsar vide its judgment dated June 04, 2015. All the substantive sentences were ordered to run concurrently.

2. Briefly stated the facts of the instant lis are that on December 29, 2011 complainant alongwith Rabina was going towards Jandiala on her scooter bearing registration No. PB-17-B-3056. When they reached in the area of Village Chauhan at about 3.15 PM they saw that a Punjab Roadway bus bearing registration No. PB-02-BH-9795 coming at a very high speed being driven by its driver in a rash and negligent manner. The driver of the bus over take the truck from the wrong side and hit the scooter of the complainant from the side as a result of impact complainant fell on the left side of the road while Rabina fell on the right side of the road. The bus ran over the Rabina and crushed her head under the tyre of the bus. She died at the spot

3. Here it would be pertinent to mention that so far as conviction order is concerned, instant revision petition was dismissed vide order dated August 31, 2015. As far as the sentence imposed upon the petitioner is concerned, learned counsel for the petitioner has sought the indulgence of this Court for its reduction or to the period already undergone by the petitioner, as petitioner is unable to pay any amount being lodged in jail. Otherwise, also, he is a poor person and has to support his large family and is not in a position to pay any amount of by way of compensation.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and have gone through the record available on

file.

5. It would be significant to note that petitioner has been sentenced to undergo imprisonment under Section 304-A IPC for a period of one year; besides his sentence for some other offences. As per custody certificate, he has already undergone sentence for a period of 09 months and 13 days as on today out of total substantive sentence of one year. He is sole bread earner in his family consisting of old parents, wife and minor children.

6. After bestowing due consideration to the aforesaid submissions and considering the entire facts and circumstances, this Court is of the considered view that petitioner deserves some modification in the quantum of sentence and this Court is of the considered view that ends of justice would meet, in case, the sentence imposed upon petitioner is modified. Accordingly, the same is modified to the period already undergone by him.

7. With the afore-said modification, revision petition stands dismissed. Since the petitioner is behind the bars, he is ordered to be released forthwith.

JANUARY 27, 2016
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(JASPAL SINGH)
JUDGE