

107 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR No.108 of 2016 (O&M)  
Date of Decision: January 13, 2016

Dilbagh Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. G.S. Kaura, Advocate for the petitioner.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the judgment dated 21.11.2015 passed by learned Addl. Sessions Judge, Jalandhar, affirming the judgment and order dated 06.10.2014 passed by learned Sub Divisional Judicial Magistrate, Phillaur, vide which the accused-petitioner was convicted and sentenced as under:

| S.N. | Offence   | Sentence (R.I.) | Fine (₹) | Sentence in default of payment of fine |
|------|-----------|-----------------|----------|----------------------------------------|
| 1    | 279 IPC   | 6 months        | --       | --                                     |
| 2    | 304-A IPC | 1 year          | 1,000/-  | 15 days                                |

Both the substantive sentences of imprisonment were directed to run concurrently.

In nutshell, the prosecution case is that on 16.11.2008 complainant Raman Sharma along with his father Balram Chander was coming back from Delhi to Amritsar in a bus bearing registration No.PB-02-AZ-6504, being driven by the accused. At about 4.00 a.m.,

near the chowk village Mathada Kalana in the area of village Kutbewal, the bus, which was being driven rashly and negligently struck against the stationary truck bearing registration No.HR-55D-9197. The left side of the bus was badly damaged. The father of the complainant died at the spot. Some other passengers were also got injured.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioner has argued that in this case, the presence of Raman Sharma in the bus is highly doubtful as he had admitted his presence in the school at the time of alleged accident. No ticket was produced by him. It is further argued that other injured witnesses as well as other passengers were not examined. Therefore, the solitary statement of Raman Sharma cannot be relied upon.

It has been further argued that probably there was fog on the day of accident. The life of the accused-petitioner was also in danger. Therefore, he cannot take any risk by driving the bus in rash and negligent manner.

I am of the view that it is specific stand of Raman Sharma that he was travelling in the bus and his statement was recorded by the police on the same day.

Even, when the accused was examined under Section 313 Cr.P.C., he never took the stand that there was fog on the day of accident. Left side of the bus hit the stationary truck, which shows that the accused was driving the bus in rash and negligent manner.

There are concurrent findings of two courts below, which are supported by sound reasoning. Thus, there is no ground to interfere in the same. There is also no ground to reduce the sentence of imprisonment imposed upon the accused-petitioner.

Accordingly, the present revision petition stands dismissed.

**January 13, 2016**  
sarita

**(KULDIP SINGH)**  
**JUDGE**