

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

CRR No.1944 of 2016 (O&M)
Date of Decision: August 23, 2016

Gurpreet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.B.S.Dhillon, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurpreet Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 06.06.2014 passed by learned Sub Divisional Judicial Magistrate, Kharar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- 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 two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 05.04.2016 passed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide which appeal filed by petitioner was dismissed. All the sentences were

ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

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

From the record, I find that the challan was presented against petitioner in case FIR No.190 dated 23.07.2010. The brief facts of the case as noted down in the judgment passed by learned SDJM, Kharar, are as under:-

“2. Brief facts of the case of the prosecution are that present case has been registered on the basis of statement made by complainant Gurdeep Singh son of Sucha Singh r/o village Dhangrali to the effect that on 23.7.2010 he was going on his motorcycle towards the Polytechnical Girls College, Gharuan and Inderjit Singh of village Kherpur was also going ahead of him on his motorcycle bearing no. PB-12-E-7805 as he was working as Instructor in the Computer lab in the said college. At about 9:15 AM when they reached near the college then one Indica car bearing no. PB-10-CT-1363 came from Morinda side which was being driven by its driver in very rash and negligent manner and at very high speed and he struck the same against the motorcycle of Inderjit Singh, as a result of which Inderjit Singh fell down and received multiple injuries. The car driver also stopped the car and came at the place and on inquiry he told his name as Gurpreet Singh son of Darshan Singh resident of Ludhiana. The injured was taken to Civil Hospital Kharar where he was declared dead. This accident took place due to rash and negligent driving of driver of the above said car. On the basis of above statement, case under Sections 279 and 304-A of IPC was made out against accused. Ruqa was sent to police station, on the basis of which, formal FIR was registered. Rough site plan of the place of accident was prepared. Vehicles involved in the accident were taken into police possession. Accused was arrested. Statements of the witnesses under Section 161 Cr.P.C. were recorded. Postmortem report of deceased was obtained. After the completion of investigation and the other necessary formalities, challan under Section 279, 304-A IPC was prepared and presented in the Court.”

Learned SDJM, Kharar, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali vide judgment dated 05.04.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is first offender, poor person, only bread earner of the family. He further contended that petitioner is suffering from the criminal proceedings since 2010.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is suffering from long protracted criminal proceedings since 2010 i.e. for the last about six years and he is first offender and only bread earner of the family, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, the other sentence, sentence of fine and in default thereof, will remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

August 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No