

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

CRR No.2286 of 2016 (O&M)
Date of Decision: September 06, 2016

Paramjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Satnam Singh Gill, 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 Paramjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 07.10.2015 passed by learned Judicial Magistrate Ist Class, Samana, vide which the petitioner was convicted and sentenced to rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment, to undergo simple imprisonment for a period of 10 days under Section 279 IPC and further to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to undergo simple imprisonment for a period of 10 days under Section 304-A IPC and also challenging the judgment dated 29.03.2016 passed by learned Addl.

Sessions Judge, Patiala, 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.113 dated 04.11.2011. The brief facts of the case as noted down in the judgment passed by learned JMIC, Samana, are as under:-

“2. The brief facts of the prosecution case are that ASI Satgur Singh along with police party was present at bus stand Ghagga. Over there Shamsher Singh complainant came to ASI Satgur Singh and got recorded his statement. He stated that on 4.11.2011 his brother Baldev Singh was coming back to his village Dhanetha and he was following him on his motorcycle. When Baldev Singh reached near the farms of Bharpur Singh then about 7.15 am the driver of a yellow coloured mini bus was coming at a very high speed who hit his bus in the cycle of his brother namely Baldev Singh who fell down from the cycle and the bus driver crushed Baldev Singh who died on the spot. The complainant later on came to know that the person driving the bus was named as Paramjit Singh. The complainant got his statement recorded to the police. On the statement of the complainant the ruqa was sent and an FIR was registered against the accused. The accused was arrested in the presence case. During investigation, the statements of the witnesses were recorded, site plan and recovery memos were prepared and other evidence was collected.”

Learned JMIC, Samana, 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, Patiala, vide judgment dated 29.03.2016.

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

Learned counsel for the petitioner argued that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2011.

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 the petitioner is first offender, only bread earner of the family and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2011 i.e. for the last about five years, 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 shall run concurrently.

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

September 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No