IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRR 2758 of 2016

Date of Decision: November 30, 2016

Sukhwinder Singh

…..Petitioner

Vs.

State of Punjab

…..Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr. S.S. Bhinder, Advocate
for the petitioner.

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M.M.S. BEDI, J.

Petitioner has been convicted by the trial Court and the Appellate Court in FIR No. 159 dated November 20, 2013 under Sections 279 and 304 A IPC, registered at Police Station Sadar, Sangrur on the allegations proved on the basis of statements of PW1 Hardev Singh, complainant, PW2 Daljit Kaur, injured, PW3 Dr. Jasjot Singh, PW4 HC Amrik Singh, PW5 HC Leela Khan and PW6 ASI Hardeep Singh for having driven the Truck/ traula on November 20, 2013 in rash and negligent manner so as to endanger human life and personal safety of others and having caused the accident with the car of Inderjit Singh thereby causing his death and

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injuries to Daljit Kaur and thereby having committed offence under Sections 279 and 304 A IPC to undergo imprisonment for a period of six months under Section 279 IPC and to pay a fine of Rs.500/- and in default thereof to further undergo RI for 15 days; for a period of two years under Section 304 A IPC and to pay a fine of Rs.2000/- and in default thereof to further undergo RI for two months.

Counsel for the petitioner Mr. S.S. Bhinder has vehemently contended that the petitioner has been falsely implicated and that there is no sufficient evidence produced by the prosecution agency to establish the guilt of the petitioner beyond shadow of doubt.

After hearing counsel for the petitioner and going through the judgments of the Courts below, I do not find any ground to enter into the controversy on re-appreciation of evidence to arrive at a different conclusion as the involvement of the petitioner stands established by the testimony of above said witnesses. There does not appear to be any reason for false implication of the petitioner. Counsel for the petitioner has not been able to satisfy this Court that there is dispute regarding the identity of the petitioner or that he has been falsely involved.

On asking of the Court, counsel for the petitioner informs that the heirs of the deceased have been granted compensation under Motor Vehicles Act to the extent of about Rs.41 lacs. The petitioner has also been held liable but the payment of the amount appears to be the joint liability with the insurance company.

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Since the petitioner has been facing trial since the year 2013 an has been convicted of the charge under Section 304 A IPC, though there is no scope for interfere in the order of conviction but sentence of imprisonment can be interfered with as the maximum sentence has been imposed upon the petitioner as prescribed under the law. Upholding the order of conviction under Section 279 IPC and Section 304 A IPC, I am of the considered opinion that the interests of justice would be adequately met in case the sentence of imprisonment under Section 304 A IPC is reduced from 2 years to 1 ½ year upholding the sentence under Section 279 IPC. Ordered accordingly.

Disposed of with the above modification.

November 30, 2016 (M.M.S.BEDI)
sanjay JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.

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