

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4049 of 2015 (O&M)
Date of Decision: March 17, 2016

Parminderpal Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Parminderpal Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 19.07.2014 passed by learned Chief Judicial Magistrate, Bathinda, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of seven days under Section 304-A IPC, and to further undergo rigorous imprisonment for a period of 6 months and to pay fine of ₹500/- and in default of payment to undergo rigorous imprisonment for a period of seven days under each Section

279 and 337 IPC and further to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment to undergo rigorous imprisonment for a period of seven days under Section 338 IPC and also challenging the judgment dated 15.07.2015 passed by learned Addl. Sessions Judge, Bathinda, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently

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

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

As per prosecution version, the accused was driver of the bus, which struck against the cycle of Prem Kumar, as a result of which, Barjesh Bansal fell down on right hand side and Sahil fell down on left side and bus ran over the head of Barjesh Bansal, who was aged about 7 years and he died at the spot. The accused-driver of the bus fled away after leaving the vehicle at the spot.

Learned counsel for the petitioner argued that petitioner is a poor person, only bread earner of the family and suffering from criminal proceedings since 2007.

Keeping in view the facts and circumstances of the present case that petitioner is stated to be poor person, first offender and only bread earner of the family and further in view of the fact that the petitioner is suffering from long protracted criminal proceedings for the last about nine years, the sentence of the petitioner is reduced.

Petitioner Parminderpal Singh is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, the other sentences and the sentences of fine shall remain the same. All the sentences are ordered to run concurrently.

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

March 17, 2016
Vgulati

(INDERJIT SINGH)
JUDGE