

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

**CRR No.372 of 2016 (O&M)
Date of Decision: October 21, 2016**

Pargat Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Prabhjot Kaur, 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 Pargat Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 22.12.2014 passed by learned Judicial Magistrate Ist Class, Sunam, vide which the petitioner was convicted and sentenced to rigorous imprisonment for a period of six months and to pay fine of ₹500/- and in default of payment, to undergo rigorous imprisonment for a period of one month under Sections 279 and 337 IPC each and further to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 304-A and also challenging the judgment dated 31.10.2015 passed by

learned Sessions Judge, Sangrur, vide which appeal filed by petitioner was dismissed. Both 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.75 dated 24.05.2009. The brief facts of the case as noted down in the judgment passed by learned JMIC, Sunam, are as under:-

“2. The prosecution story in brief is that complainant Narinder Kumar has two sons and one daughter. His elder son Harish Kumar has friendship with Taranjit Singh. Sister of Taranjit Singh namely Pardeep Kaur studies in Rajasthan. On 24.05.2009 Kulwant Kaur wife of Harnek Singh, Taranjit Singh were going from Ludhiana to Kota Rajasthan on car bearing registration no. PB-10-CA-6497. Car was driven by Harish Kumar. Complainant alongwith Harjinder Singh son of Balwant Singh were following them on car bearing registration no. PB-10-BG-0114. At about 7.15 A.M when they reached near Village Toorwanjara Kalan a truck bearing no. HR-45-5140 came from front side driven in a rash and negligent manner on wrong side of the road and hit into car bearing registration no. PB-10-CA-6497. The complainant got down from his car and saw that Kulwant Kaur, Harish Kumar, Taranjit Singh had suffered injuries. Ranjit Singh son of Darshan Singh and Mandeep Kaur reached the spot. Taranjit Singh was rescued and admitted to hospital. Kulwant Kaur and Harish Kumar died at the spot. The vehicle was also badly damaged. On the statement of complainant FIR was registered. Thereafter accused was arrested. During investigation statements of witnesses were recorded, rough site plan was prepared, medical evidence was collected, case property was taken into custody, postmortem report was obtained, and on completion of investigation challan against the accused was presented in the Court.”

Learned JMIC, Sunam 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 Sessions Judge, Sangrur, vide judgment dated 31.10.2015.

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

Learned counsel for the petitioner argued that petitioner is poor person and young man and lenient view should be taken against him.

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

Keeping in view the fact that by driving the truck negligently by the petitioner, two persons have been killed and third person received injuries, I do not find it a fit case where the sentence of the petitioner is to be reduced. There is no ground for reduction of the sentence imposed upon the petitioner in view the facts and the circumstances of the case.

Therefore, finding no merit in the present revision petition, the same is dismissed.

October 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No