

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

Crl. Appeal No.S-77-SB of 2016 (O&M)

Date of Decision: July 07, 2017

Satnam Singh

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.K.S.Phoolka, Advocate
for the appellant.

Mr.A.S.Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

CRM No.445 of 2016

The applicant-appellant has filed this application under Section 427 Cr.P.C. read with Section 482 Cr.P.C. for ordering the sentences to run concurrently in the main case.

In view of the provisions of Section 427 Cr.P.C., the present application is allowed. The sentences awarded in the main appeal, are ordered to run concurrently.

CRA No.S-77-SB of 2016

The present appeal has been filed by the appellant against State of Punjab, challenging the judgment of conviction and order of sentence dated 04.12.2015 passed by learned Judge, Special Court, Sri Muktsar Sahib

whereby the appellant was held guilty and convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹50,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months under Section 304-A IPC and to undergo rigorous imprisonment for a period of six months and to pay fine of ₹200/- and in default of payment of fine, to undergo rigorous imprisonment for a period of fifteen days under Section 337 IPC and to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months under Section 338 IPC for causing simple injuries to Sukhpal Kaur and also sentenced to undergo sentence under Sections 337 and 338 IPC in same terms for causing simple injuries to Gurjot Kaur. All the sentences were ordered to run consecutively one after other.

The brief facts of the prosecution case as noted down in the judgment passed by learned Judge, Special Court, Sri Muktsar Sahib, are as under:-

“2. The facts of the case of the prosecution as appeared in the charge-sheet submitted by the police are that the case against the accused was registered on the statement Krishan Singh son of Balvir Singh. As per his statement, on 14-11-2013, he along-with his son Gursharan Singh and daughter Sukhpal Kaur and younger daughter in law Gurjot Kaur went from their house towards the Market. His daughter in law Sukhpal Kaur was sitting on pillion on his motorcycle and Gurjot Kaur was sitting on pillion on Activa scooter bearing No.PB03-K-5765 of his son Gursharan Singh and on the way they picked Sukhleen Singh son of Gursharan Singh, aged about 2½ years, from Whispering World School, Kotkapura Road, Sri Muktsar Sahib and he was made to stand on their Activa scooter. When they reached near Canal Colony gate, his friend Balwinder Singh was standing on the side of the road near the gate of Canal Colony and he stopped him, at this he parked his motorcycle on the side of the road and started chit chatting with Balwinder Singh. Gursharan Singh also stopped his Activa scooter. His grand son Sukhleen Singh minor was

standing on the front side of the Avtica scooter and his daughter in law Gurjot Kaur was standing there and his daughter Sukhpal Kaur also joined her. Meantime, a Car make Skoda bearing registration No.HR26-AH-0277 of black colour driven by a cut hair young man, whose name he lateron came to know as Satnam Singh son of Jagroop Singh, was coming from the side of Bathinda road. The Car was being driven at a very high speed in a rash and negligent manner and by bringing the same on the wrong side of the road, it crushed Activa, State Versus Satnam Singh P a g e 3 thereby crushing minor Sukhleen Singh and grievously injuring Sukhpal Kaur and Gurjot Kaur. Gursharan Singh took his minor son Sukhleen Singh to Rajindera Hospital, where he was declared dead and the complainant got admitted Sukhpal Kaur at Civil Hospital, Sri Muktsar Sahib and Gurjot Kaur at Malwa Hospital, Sri Muktsar Sahib. At this a case under Sections 304, 337, 338, 427 IPC was registered against the accused and investigation of this case was conducted.”

On presentation of challan against accused-appellant, copies of challan and other documents were supplied to him under Section 207 Cr.P.C. Finding prima facie case, the accused-appellant was charge-sheeted under Sections 304, 323 and 325 IPC, to which he pleaded not guilty and claimed trial.

In support of its case, prosecution examined PW-1 Krishan Singh, complainant, PW-2 Dr.Sumeet Kumar, Medical Officer, PW-3 Head Constable Balraj Singh, PW-4 Gurjot Kaur, injured, PW-5 Head Constable Harwinder Singh, Mechanic, PW-6 Sukhpal Kaur, injured, PW-7 Head Constable Gurtej Singh, PW-8 Constable Beant Singh, PW-9 Dr.Arun Jain, PW-10 Sanjeev Kumar, Jr. Assistant, DTO Office and PW-11, SI Gurminder Singh, Investigating Officer.

At the close of prosecution evidence, the accused-appellant was examined under Section 313 Cr.P.C. He was confronted with the evidence of the prosecution and he denied the correctness of the evidence and pleaded

himself as innocent and falsely implicated.

No witness was examined defence.

The learned trial Court, after appreciation of the evidence, convicted and sentenced the accused-appellants as stated above.

At the time of arguments, learned counsel for the appellant did not dispute the findings regarding conviction and only prayed for reduction of sentence of the appellant. Learned counsel for the appellant contended that appellant is young aged person, first offender and only bread earner of the family and is suffering from criminal proceedings since 2013. He further contended that appellant has already undergone 1 year, 6 months and 3 days of actual sentence including remission.

On the other hand, learned State counsel argued that case of the prosecution has been duly proved by the PWs. There is nothing on the record to show false implication of the accused in the present case. He next argued that PWs have consistently deposed regarding the recovery from the accused. Learned State counsel, therefore, argued that there being no merit, the present appeal should be dismissed.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 04.12.2015 passed by learned Judge, Special Court, Sri Muktsar Sahib, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that appellant is stated to be young aged

from long protracted criminal proceedings since 2013 i.e. for the last about four years and further in view of the fact that appellant has already undergone actual sentence of 1 year, 6 months and 3 days, the sentence imposed upon the appellant is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The appellant is directed to pay the fine within one month from the date of receiving the certified copy of the order, if already not paid, otherwise, the trial Court is directed to take necessary action as per law.

Accordingly, the present criminal appeal stands partly allowed.

Since, appellant Satnam Singh, is on bail, his bail/surety bonds stand discharged.

July 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No