

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Criminal Revision No. 1691 of 2007 O&M)  
Date of decision: 6.7.2017

**Krishan Lal**

**.. Petitioner**

**v.**

**State of Haryana**

**.. Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P. K. Ganga, Advocate for the petitioner.  
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioner, who was a driver working with Haryana Roadways, was convicted in FIR No. 158 dated 6.5.1999, under Sections 279/304-A IPC, registered at Police Station, City Hansi and sentenced as under:

1. Under Section 279 IPC: Rigorous imprisonment for three months and fine of ₹ 200/-. In case of default in making the payment, to further undergo imprisonment for 7 days.
2. Under Section 304-A IPC: Rigorous imprisonment for six months and fine of ₹ 300/-. In case of default in making the payment, to further undergo imprisonment for 15 days.

Both the sentences were ordered to run concurrently.

The petitioner at the time of accident was driving bus bearing registration No. HR39/4834. He caused the accident by hitting the deceased from behind during broad day light at 8.00 AM. The deceased along with family members was walking on the correct side of the road. After causing the accident, the petitioner fled away from the spot. Considering the

unimpeachable evidence produced on record by the prosecution, the petitioner was convicted by the trial court. The judgment was upheld by the lower appellate court.

The only contention raised by learned counsel for the petitioner was that the accident being about two decades old, the petitioner be released on probation, however, at the same time, he apprised the court that during the pendency of the present petition, the petitioner had expired. Once the petitioner himself has expired, there is no question of his release on probation, as neither surety can be furnished by him nor his good conduct can be watched subsequently on release of probation.

As regards the conviction of the petitioner is concerned, I do not find any merit in the present petition as the leniency shown by the courts in awarding punishment in fatal road accident cases has not given the right message to the drivers. With increase in traffic, reckless driving has increased putting the lives of the pedestrians and other persons using the roads or the areas around, into danger.

For the reasons mentioned above, I do not find any merit in the present petition. Accordingly, the same is dismissed.

(Rajesh Bindal)  
Judge

6.7.2017  
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Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No