

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

**CRR No.2100 of 2012 (O&M)
Date of decision : November 13, 2017**

Jagtar Singh

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajay Pal Singh, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the judgment dated 18.07.2012 passed by the learned Addl. Sessions Judge, Ambala, affirming that of learned Judicial Magistrate 1st Class, Ambala Cantt., dated 18.11.2010, vide which the petitioner was convicted and sentenced as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Punishment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	279 IPC	R.I. for 2 months	Rs.500/-	R.I for 1 month
2	304-A IPC	R.I. for 1 year	Rs.1,000/-	R.I. for 2 months

Both the sentences were directed to run concurrently.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The original lower court file perused. It comes out from the record that Rajvinder Kaur, deceased was a student of 10+1 class. On 25.11.2005 at about 8.30 A.M., she was to go to school and was standing at

Dosarka chowk, Mullana, bus stop. A bus bearing registration No.HR-58-

8733, being driven by present petitioner, namely, Jagtar Singh, came from Yamunanagar stopped at the said bus stand at Dosarka Chowk. Rajvinder Kaur also started to board the bus from the front door along with other passengers but when she was in process of boarding the bus, the driver suddenly started the bus at high speed in a rash and negligent manner. As a result of which, Rajvinder Kaur fell down and was crushed under the rear tyres of the bus. She was removed to M.M. College and Hospital, Mullana, where she ultimately succumbed to injuries. The case was registered on the statement of Ajit Singh, PW5. It also comes out that another eye witness Surjit Singh, PW6 also supported the prosecution case. It was also alleged that after the accident, the petitioner ran away from the spot.

In the statement of the accused-petitioner, recorded under Section 313 Cr.P.C., he pleaded innocence and claimed false implication.

Learned counsel for the petitioner contends that the petitioner has got unblemished record of more than 30 years. It is also contended that is possible that the conductor might have tried to move the bus or he might have blown the whistle.

I am of the view that the defence was to be pleaded before the lower court. No such defence was pleaded before the lower court. The petitioner was named in the FIR. After the accident, he left the bus at the spot and ran away. The act of the petitioner in driving the bus without caring whether the passenger, particularly, from the front door have boarded the bus or not, amounts to rash and negligent act.

Faced with these circumstances, learned counsel for the petitioner prays for releasing the petitioner on probation or reducing the sentence awarded to him by the courts below.

Keeping in view that fact that a large number of deaths take place daily due to motor vehicular accidents, it is not a fit case, where the benefits of Probation of Offenders Act, 1958 should be extended to the petitioner nor there is any ground to reduce the sentence awarded to him.

As such, the present revision petition is dismissed.

The petitioner, who is on bail, be rearrested and committed to the jail to undergo remaining part of the sentence.

(KULDIP SINGH)
JUDGE

November 13, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No