

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.449 of 2012 (O&M)
Date of decision : December 08, 2017

Jeet Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ripudaman Singh Sidhu, Advocate for
Mr. Narinder Singh, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

- 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)

Heard.

It is alleged that the petitioner drove a PRTC bus bearing registration No.PB-11E-9576, on 27.04.2004 at about 11.00 a.m. in rash and negligent manner and hit a tractor trolley going a head of it. The right side of the trolley was hit. As a result of the accident, the hook of the trolley was broken and the tractor over turned. As a result of which two occupants of the tractor trolley, namely Raja Singh and Sukhmander Singh died at the spot and the third occupant Makhan Singh received injuries. On the statement of Makhan Singh, the present case was registered. The learned Judicial Magistrate 1st Class, Bathinda, vide judgment of conviction and order of sentence dated 12.10.2009, convicted and sentenced the petitioner as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	279 IPC	R.I. for 6 months	₹500/-	S.I. for 15 days
2	304-A IPC	R.I. for 1 year	₹500/-	S.I. for 15 days
3	337 IPC	R.I. for 3 months	₹500/-	S.I. for 15 days

All the sentences were directed to run concurrently.

The appeal filed by the petitioner was dismissed by the learned Addl. Sessions Judge, Bathinda, vide judgment dated 16.01.2012.

The lower court record has been examined carefully.

Learned counsel for the petitioner has argued that in fact, it was a narrow road and the tractor trolley took a sudden left turn. As a result of which right side of the trolley came in front of the bus and bus hit the right side of the trolley. It is contended that the bus was at a moderate speed and was not driven in a rash and negligent manner.

After going through the file, I am of the view that even if the road was narrow, the bus was apparently being driven at a high speed in rash and negligent manner. Even if, it is assumed that the tractor trolley took a left turn, the right side of trolley cannot come in front of the bus coming behind it. The bus hit the trolley with a great force, killing two occupants and injuring third one. There are concurrent findings of both the courts below.

Faced with the circumstances, learned counsel for the petitioner has prayed for releasing the petitioner on probation on the ground that he has lost his job and that he is not a previous offender.

Considering the fact that two persons have lost their life and motor vehicular accidents are rising, there is no ground to reduce the sentence.

As such, the present revision petition is dismissed.

The petitioner be re-arrested and committed to jail to undergo remaining part of the sentence.

(KULDIP SINGH)
JUDGE

December 08, 2017

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