

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 3223 of 2014 (O&M)

Date of Decision: 29.08.2017

KARNAIL SINGH

... Petitioner

VS.

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Narinder Lucky, Advocate,
for the petitioner.

Mr. Arpinder Singh Sidhu, 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)

Impugned in the present revision petition is the judgement dated 04.07.2014 passed by the learned Additional Sessions Judge, Fast Track Court, Patiala affirming the judgment of conviction and order of sentence dated 12.12.2012 of learned Additional Chief Judicial Magistrate, Patiala vide which the present petitioner was convicted under Sections 279, 304-A and 337 of Indian Penal Code and sentenced as under: -

Under Section 279 IPC

Rigorous imprisonment for a period of six months.

Under Section 304-A IPC

Rigorous imprisonment for a period of one year and fine of ₹ 500/-. In default of payment of fine to undergo further rigorous imprisonment of one month.

Under Section 337 IPC

Rigorous imprisonment for a period of three months.

All the sentences were directed to run concurrently.

I have heard the learned counsel for the petitioner, learned State counsel and have carefully gone through the case file.

In this case, as per the allegations of the prosecution, on 08.05.2007, Prabhjot Kaur and her cousin Harmeet Kaur alias Wafa were

going towards Punjabi University, Patiala on T.V.S. Scooty to meet their maternal aunt, Taranjit Kaur, who was residing at House No. 656, MIG Urban Estate, Patiala. At about 2.30 P.M., just 500 yards ahead of the turning to Radio Station, a truck bearing registration No. RJ-13G-5618, being driven rashly and negligently came from behind and hit their Scooty. As a result of the accident, both occupants fell down and received injuries. Jivi Tej Singh Kler relative of both the girls was present at the spot and witnessed the occurrence. Thereafter, he removed both the injured to Rajindra Hospital, Patiala. However, Harmeet Kaur alias Wafa died in front of emergency ward of Rajindra Hospital, Patiala whereas Prabhjot Kaur received serious injuries.

The perusal of the file shows that later on during the proceedings, Prabhjot Kaur had also died and therefore, she could not be examined during trial. Only eye witness of the occurrence is Jivi Tej Singh Kler, relative of both the girls who has clearly stated that he was present at the spot and that the said truck had hit the scooty from behind as a result of which Prabhjot Kaur and Harmeet Kaur alias Wafa received multiple injuries. Thereafter, he removed both of them to the Rajindra Hospital, Patiala with the help of passerby. He has further stated that after the accident, the truck was stopped. He talked to the truck driver, who discloses his name as Karnail Singh. Later on, the driver of the truck ran away leaving the truck at the spot.

Learned counsel for the petitioner has argued that the identity of the petitioner is not proved. He further stated that since, Jivi Tej Singh Kler is an interested witness being relative of both Prabhjot Kaur and Harmeet Kaur alias Wafa, therefore, his statement cannot be believed.

I am of the view that since, maternal aunt, Taranjit Kaur who is the common relation of Prabhjot Kaur, Harmit Kaur and Jivi Tej Singh Kler,

was residing nearby the place where accident had taken place, therefore, the presence of Jivi Tej Singh Kler at the spot cannot be discarded merely on the ground that he is an interested witness. The truck had hit the scooty from behind, as a result of which one girl has lost her life. The identity of truck has also been established. The statement of Jivi Tej Singh Kler that after the accident, he talked to driver of the offending truck, cannot be disbelieved as after the accident, the truck was actually stopped. It is not the case of the prosecution that immediately after the accident, the petitioner ran away. Therefore, it is possible that petitioner took stock of the situation and in the meanwhile eyewitness-Jivi Tej Singh Kler was able to talk to the driver and was able to identify him. In the FIR, name of Karnail Singh was also mentioned. Moreover, in the statement recorded under Section 313 Cr. P.C., petitioner has not stated any reason as to why he was falsely implicated and why complainant party would do so.

It being so, there is no illegality or infirmity in the concurrent findings recorded by both the Courts below. The sentence passed by the trial Court is also adequate in the given circumstances. Therefore, there is no ground to interfere in the quantum of sentence also.

In view of the above, present petition stands dismissed.

Since, the petitioner is on bail, he be re-arrested and committed to jail to undergo remaining part of the sentence.

August 29, 2017
Suresh Kumar

[KULDIP SINGH]
JUDGE

		✓	
Whether speaking / reasoned :	Yes	/	No
			✓
Whether Reportable :	Yes	/	No