

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

CRR No.2674 of 2016 (O&M)
Date of Decision: May 15, 2017

Sukhjinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Sekhon Advocate
for the petitioner.

Mr.J.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sukhjinder Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 08.01.2016 passed by learned Addl. Chief Judicial Magistrate, Faridkot, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹5000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of fifteen days under Section 304-A IPC and further to undergo rigorous imprisonment for a period of six months under Section 279 IPC and also challenging the judgment dated 18.05.2016 passed by learned Judge, Special Court, Faridkot, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered

to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.78 dated 24.08.2011. The brief facts of the case as noted down in the judgment passed by learned ACJM, Faridkot, are as under:-

“1. The prosecution version in brief is that complainant Jaspal Singh is a labourer. They are five brothers and reside separately in their separate houses. On 27.8.2011, he alongwith his nephew Lakhwinder Singh @ Lalli had gone to the house of Sohan Singh for labour with Shinder Singh mason in the morning. At noon time they were returning home on their bicycles for having meals. Lakhwinder Singh was 20/25 Karams ahead of him on his bicycle. When they reached in front of the house of Jeeta Singh, at about 12.50 P.M, a car bearing no. PB-35 B-0045, colour white, came from village Sukhanwala, being driven rashly and negligently and struck against the cycle of Lakhwinder Singh from rear side at which Lakhwinder Singh fell down. The car struck against the wall (house) of Amarjit Singh, took a turn and ran over Lakhwinder Singh. Complainant raised hue and cry at which village people gathered there. Lakhwinder Singh was taken to medical hospital, where he was declared dead. Afterwards the complainant came to know that car driver was one Sukhjinder Singh son of Rajvir Singh resident of Rupana District Shri Muktsar Sahib, who fled from the spot leaving the car behind. On the same day on receipt of medical slip bearing no. 1646 dt. 24.8.2011 as to Lakhwinder Singh at police station, HC Rajpal Singh alongwith other police officials went to medical hospital, Faridkot and met Jaspal Singh and other villager respectables near dead house(mortuary). Jaspal Singh got recorded his statement. Finding commission of offences punishable under section 279/304-A IPC, memo of intimation was sent to police station through PHG Gulzar Singh for registration of FIR and rest of the police party carried out

investigations into the matter, during the course of which dead body was sent for postmortem. Spot was inspected and site plan was prepared. The spot was got photographed. Vehicles involved in the accident were taken into police possession. Clothes of the dead body were taken into police possession. Statements of witnesses were recorded. Accused was arrested. After completion of investigation and other necessary formalities, accused was challaned and presented before the court for his trial, as aforesaid.”

Learned ACJM, Faridkot after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Judge, Special Court, Faridkot, vide judgment dated 18.05.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner prayed for reduction of sentence. Learned counsel for the petitioner contended that petitioner is first offender, only bread earner of the family and suffering from the criminal proceedings since 2011.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be first offender, only bread earner of the family and is facing long protracted criminal proceedings since 2011 i.e. for the last about 6 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, other sentence, sentence of fine and in default thereof shall remain the same.

With the above-said modification in the sentence, the present revision petition stands partly allowed.

May 15, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No