

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRR No. 3050 of 2016

Date of Decision: 18.01.2017

Munna Lal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Custody certificate of the petitioner has been filed in Court today on behalf of learned counsel for the State. The same is taken on record.

Learned counsel for the petitioner submits that there being no wholly overt act on the part of the petitioner in causing the accident other than starting the bus when the passenger was getting on to it, the negligence would not be to such an extent as in the case of an accident caused on the road between two vehicles etc. Hence, he submits that at least the sentence of one years' imprisonment imposed upon the petitioner may be reduced to the extent undergone by him, which is stated to be approximately five months.

He further submits that it was not proved beyond all reasonable

doubt, as to whether the deceased who had tried to board the bus, had

actually boarded it when the bus was at a halt or was at a stand-still, in view of the fact that even in the FIR, it was stated that the bus started when the deceased was trying to enter into it.

Mr. Rajesh Mehta, Addl. A.G. Punjab, on the other hand, submits that with road accidents on the increase due to rash and negligent driving, the petitioner does not deserve any leniency and as such, the petition should be dismissed.

Having considered the aforesaid arguments, though learned State counsel is absolutely correct to the extent that road accidents are unfortunately increasing due to rash and negligent driving, largely unchecked by enforcement agencies also, in the present case, though the act of starting the bus when a passenger was getting on would actually be an overt act, however, since it is not clear whether the place at which the bus had stopped, and the deceased was boarding it, was an identified bus stop or not, with no evidence shown to be led in that regard, in the opinion of this Court, by imposing a fine of Rs. 10,000/- upon the petitioner (with no fine having been imposed by the learned trial Court or the appellate Court), the sentence of imprisonment imposed upon him can be reduced to the period of imprisonment already undergone by him.

Ordered accordingly.

It also needs to be noticed here, that on specific query from learned counsel for the petitioner, he has categorically asserted that the legal heirs of the deceased have been duly compensated in the motor accident claim that they filed before the learned Motor Accidents Claim Tribunal. Though no copy of the Award has been produced in Court today, however, accepting that statement of learned counsel to be correct, and in the

circumstances already referred to, i.e. it not being clear as to whether the bus had stopped at a designated bus stop or not, in my opinion, the reduction of sentence to the period already undergone by the petitioner, alongwith a fine imposed upon him, would serve the ends of justice.

Consequently, the petition is allowed to the aforesaid extent, subject to the payment of Rs. 10,000/- by way of fine paid by the petitioner, after which he shall be released from custody.

(AMOL RATTAN SINGH)
JUDGE

January 18, 2017
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Whether speaking/reasoned	Yes
Whether Reportable	No.