

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

**CRR No.3699 of 2016 (O&M)  
Date of Decision: March 09, 2017**

Jasvir Singh alias Nikka

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Aayush Gupta, Advocate  
for the petitioner.

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

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Jasvir Singh alias Nikka against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 25.04.2014 passed by learned Judicial Magistrate Ist Class, Sunam, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment, to undergo rigorous imprisonment for a period of one month under Section 279 IPC and further to undergo imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 304-A IPC and to undergo rigorous imprisonment for a period of six

months and to pay fine of ₹500/- and in default of payment, to undergo rigorous imprisonment for a period of one month under Section 337 IPC and also challenging the judgment dated 19.09.2016 passed by learned Sessions Judge, Sangrur, vide which appeal filed by petitioner was dismissed. All 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.93 dated 24.10.2011. The brief facts of the case as noted down in the judgment passed by learned JMIC, Sunam, are as under:-

*“2. The prosecution story in brief is that complainant Jassi Singh @ Jaggi is a labourer. On 23.10.2011 complainant alongwith Lakhwinder Gir was going from Village Bhaini side towards village Gandhuan side on motorcycle bearing No.PB-39A-8476. Lakhwinder Singh was driving the motor cycle and the complainant was sitting behind. At about 6.00/7.00 p.m., when they were at a distance of 500 yards from grain market Gandhuan, then a motor cycle bearing No.PB-19A-9028 came from opposite side driven at a high speed in rash and negligent manner on the wrong side of the road and hit into the motor cycle of the complainant. Both the motor cycle of the complainant. Both the motorcycles fell down on road side. Lakhwinder Gir sustained injuries on his neck and became unconscious. The complainant also suffered injuries. The accused whose name was Jasvir Singh @ Nikka also suffered injuries due to the falling of motor cycle. Ambulance was arranged with the help of passer-by for admitting the complainant, Lakhwinder Gir and the accused Jasvir Singh to hospital but Lakhwinder Gir died due to the injuries caused in the accident before reaching the hospital. It has been alleged that the said accident took place due to rash and negligent*

*driving of the accused on the wrong side of the road. On the statement of complainant FIR was registered. During investigation statements of witnesses were recorded. Rough site plan was prepared. Case property was taken into custody. Medical evidence was collected. Postmortem of deceased Lakhwinder Gir was conducted and on completion of investigation challan against the accused was presented in the Court.”*

Learned JMIC, Sunam, 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 Sessions Judge, Sangrur, vide judgment dated 19.09.2016.

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

Learned counsel for the petitioner contended that petitioner is first offender, poor person and he is suffering from the criminal proceedings since 2011 and prayed for reduction of sentence imposed upon the petitioner.

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 the petitioner is stated to be first offender, poor person and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2011 i.e. for the last about six 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 sentences, sentence of fine and in default thereof, will remain the same. All the sentences shall run

concurrently.

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

March 09, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No