

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

**CRR No.4172 of 2016 (O&M)
Date of Decision: February 21, 2017**

Surjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.P.S.Randhawa, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Surjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 06.09.2013 passed by learned Sub Divisional Judicial Magistrate, Batala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 6 months and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 10 days under Section 279 IPC and further to undergo rigorous imprisonment for a period of 18 months and to pay fine of ₹5000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 1 month under Section 304-A IPC and also challenging the judgment dated 12.10.2016 passed by learned

Addl. Sessions Judge, Gurdaspur, vide which appeal filed by petitioner was

dismissed, however, the sentence under Section 304-A IPC was reduced to one year instead of one and half years and other sentence and sentence of fine were kept the same. 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 petitioners in case FIR No.78 dated 02.10.2003. The brief facts of the case as noted down in the judgment passed by learned SDJM, Batala, are as under:-

“In nutshell, the prosecution story is that on 02.10.2003 ASI Darshan Singh along with other police officials was present at a picket near village Shahpur Goraya when Ranjit Singh son of Chanan Singh came to him. He stated that his brother Baljit Singh went to village Raule to attend the marriage of his cousin Lakhbir Singha and he himself decided to join the marriage procession from Bus stand Aagwan. At about 11.45 A.M. he noticed his brother Baljit Singh coming from the side of Kalanaur on a motorcycle and he also noticed that a bus number PB13E-9665 was coming behind him. It was being driven by Surjit Singh in a rash and negligent manner and he crushed his brother under the bus who died on the spot. After recording his statement, ASI Darshan Singh called the photographer on the spot and recorded the statements of witnesses. Thereafter, he took the bus bearing registration number PB-13E-9665 and motorcycle bearing number PB58B-4307 make AT Boxer into police custody. Thereafter, he completed other formalities of investigation and presented the challan in the court on 08.01.2004. ”

Learned SDJM, Batala, 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 Addl. Sessions Judge, Gurdaspur, vide judgment dated 12.10.2016.

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

At the time of arguments, learned counsel for the petitioner contended that petitioner is a poor person and only bread earner of the family offender and suffering from the criminal proceedings since 2003.

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 poor person, only bread earner of the family and is suffering from long protracted criminal proceedings since 2003 i.e. for the last about 14 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of 11 months under Section 304 IPC instead of one year. 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 dismissed.

February 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No