

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

CRR No.4378 of 2016 (O&M)
Date of Decision: November 01, 2017

Ranjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ranjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 28.04.2015 passed by learned Judicial Magistrate Ist Class, Abohar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹3000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months under Section 304-A IPC and also challenging the judgment dated 12.10.2016 passed by learned Addl. Sessions Judge, Fazilka, vide which appeal filed by petitioner was dismissed.

From the record, I find that challan was presented against accused-petitioner in case FIR No.57 dated 29.05.2012 under Sections 304-

judgment passed by learned JMIC, Abohar, are as under:-

“2. Briefly stated the case of the prosecution is that on 29.05.2012 ASI Manjit Singh alongwith other police officials was present near Anjali Mata Mandir at Ganganagar Road, Abohar where complainant Vicky son of Kalu Ram resident of Street No. 4 Abohar met them and got his statement recorded to the effect that his elder brother namely Naresh Kumar and his neighbour Rajinder Nath son of Ram Nath are doing the business of catering. On 28.05.2012, his brother Naresh Kumar and Rajinder Nath went to Khuian Sarwar regarding booking of one marriage but they did not return. Therefore, he and Madan Nath went in a mini bus having no. PB05- 9815 to bring back their brother and this bus was being driven by Ranjit Singh son of Brij, resident of Shergarh. When the bus came at outer part of Abohar city, then driver Ranjit Singh started to drive bus in very high speed. On this, he and Madan advised the driver to drive slowly as many vehicles were coming from the front side. Thereafter, the conductor namely Raja asked them to stepped down from the bus if they are apprehending any danger. The driver started to drive the bus in a high speed and in rash and negligent manner. When bus reached near Anjali Mata Mandir then his brother Naresh and his neighbour Rajinder were seen coming on motorcycle from the front side in a very slow speed. The accused Ranjit Singh drove Mini Bus in rash and negligent manner without blowing horn and also drove on wrong side and then it hit the motorcycle of his brother. The bus dragged his brother along with motorcycle and stopped at some distance. He and Madan stepped down from the bus and looked after their brother but they died on the spot. He and Madan started to cry and then bus driver and conductor fled away from the spot after leaving the mini bus at the spot. This accident happened due to rash and negligent manner of accused driver. After recording the statement of the complainant ruqa was sent for registration of the FIR and the present FIR no. 57 dated 29.05.2012 under Section 304A/279/427 IPC was registered against the accused Ranjit Singh and Harraj Singh.”

In order to prove its case, prosecution examined PW-1 Vicky, complainant eye witness, who deposed as per prosecution version. PW-2 Madan, who is also eye witness, deposed consistently regarding the prosecution version. PW-3 Ram Singh, Photographer proved the photographs. PW-4 Hardial Singh proved the mechanical report of bus and

motorcycle in question. PW-5 Dr.Pawan Mittal proved the post mortem examination report of Rajinder Nath and Naresh Kumar. PW-6 Head Constable Satpal mainly proved the recovery memo. PW-7 ASI Manjit Singh, Investigating Officer, mainly deposed regarding investigation conducted by him in the present case. PW-8 Jagdishwar Lal, stated that he owned the bus but he sold the same to Om Parkash.

Learned JMIC, Abohar, after appreciating the evidence, convicted and sentenced the petitioner as stated above. Appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Fazilka, vide judgment dated 12.10.2016.

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

I have heard learned counsel for the petitioner and have gone through the record and lower Court record.

The perusal of the judgments passed by the Courts below show that findings have been given while appreciating the evidence in right perspective. In no way, these findings can be held as perverse or against the evidence or law. Nothing has been pointed out as to what illegality has been committed by the Courts below. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below.

The complainant as well as eye witness Madan Lal were travelling in the same bus. There is no cogent evidence on record to show that these witnesses were not present at the spot or not travelling in the offending bus. Learned counsel for the petitioner argued that the deceased

through the cross-examination of the complainant as well as PW-7 ASI Manjit Singh, Investigating Officer. No such cross-examination is there nor any suggestion was put to these witnesses that deceased was negligent or coming on wrong side. The perusal of the cross-examination of the witnesses shows that there is nothing to disbelieve their statements. They are reliable witnesses. No material discrepancies or any material improvements have been pointed out in their statements. The Courts below by correctly relying upon the testimonies of material PWs, convicted and sentenced the accused-petitioner.

In view of the above discussion, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgments of conviction and order of sentence passed by both the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

November 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No