

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

**CRR No.4508 of 2016 (O&M)  
Date of Decision: March 01, 2017**

Harish Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

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

Present: Mr.S.S.Jattan, Advocate  
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana  
for the respondent-State.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Harish Kumar against respondent State of Haryana, challenging the impugned judgment of conviction dated 06.07.2012 and order of sentence dated 07.07.2012 passed by learned Judicial Magistrate Ist Class, Sub Division, Bilaspur, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 6 months under Sections 279 and 337 IPC each and further to undergo rigorous imprisonment for a period of one year under Section 304-A IPC and also challenging the judgment dated 17.11.2016 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, vide which appeal filed by petitioner was dismissed. All the

sentences were ordered to run concurrently.

From the record, I find that the challan was presented against petitioner in case FIR No.86 dated 08.07.2004. The brief facts of the case as noted down in the judgment passed by learned JMIC, Sub Division Bilaspur, are as under:-

*“The brief facts of the prosecution case are that on 8.7.2004, a ruqa was received in the Police Station from CHC Sadhaura, upon which ASI Desh Raj along with HC Surender Mohan and EHC Sham Singh reached there. One Harkesh got his statement recorded to the effect that he is working as a teacher in a private school. On 7.7.2004, he alongwith his brother Suresh Kumar, Gurcharan Singh and certain other passengers of Ballopur had gone to 'Nirankari Satsang Bhawan' in a vehicle pick up bearing No.HR37A-3740. Some females were also accompanying them. At about 11.30 p.m., they started back for their house. The vehicle was being driven by Harish @ Tinka, r/o Narayangarh at a high speed. The passengers told him to drive it at a slow speed but the driver was drunk and he did not listen to them. At about 12.30 a.m. while driving the vehicle at a high speed, rashly and negligently, he reached near the turn of village Malakpur and hit the vehicle in a popular tree due to which, the vehicle turned turtle. His brother Suresh died at the spot, Gurcharan died on the way to the hospital and rest of the 10-15 passengers also sustained injuries. The driver ran away leaving the vehicle at the spot. He prayed that appropriate legal action be taken against the accused.”*

Learned JMIC, Sub Division, Bilaspur, 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, Yamuna Nagar at Jagadhri, vide judgment dated 17.11.2016.

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

This Court vide order dated 06.12.2016, after hearing learned

counsel for the petitioner, held that there is no scope for interference in the order of conviction but in view of the fact that the petitioner is ready to compensate the heirs of the deceased by paying some more compensation in addition to the amount awarded by the Motor Accident Claims Tribunal (MACT), there can be interference in the quantum of sentence and accordingly, notice to Advocate General, Haryana, was issued for hearing on sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that in the earlier order dated 06.12.2016, this Court has also observed that learned counsel for the petitioner will get instructions if the petitioner is ready to pay at least sum of ₹1 lac each to the heirs of the deceased persons.

Today, learned counsel for the petitioner stated that as the amount granted by MACT was also paid by the petitioner, therefore, now the petitioner can only pay ₹50,000/- each to the heirs of deceased and prayed for reduction of the sentence on the ground that petitioner is facing the trial since 2004 and he is first offender.

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

From the record, I find that as per the record, two persons have died in the accident, caused by rash and negligent driving of the present petitioner and 10-15 persons have also sustained injuries. Furthermore, the conduct of the petitioner is that he ran away after leaving the vehicle on the spot.

Keeping in view the above facts and circumstances of this case,

I find that adequate sentence has been awarded to the petitioner. No ground

is made for reducing the sentence of the petitioner.

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

March 01, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No