

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

**CRR No.3099 of 2017 (O&M)
Date of decision : November 08, 2017**

Baldev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pardeep Kumar, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Lower court file received and examined.

The prosecution story is that on 16.08.2009 at about 8.00 p.m. Harjinder Singh was pulling a *rehri rikshaw* while going from Talwandi Sabo towards Mansa. Pargat Singh was sitting in the said *rehri* and a cow was tied with it. When they were 1/2 k.m. before the canal, then from Mansa side a TATA Sumo bearing registration No.HR-33E-0734 came rashly and negligently and hit the *rehri*. As a result of which, the cow died at the spot. Pargat Singh and Harjinder Singh received injuries. Harjinder Singh was referred to another hospital, where he succumbed to injuries.

Learned counsel for the petitioner has argued that the accident took place at night. Harjinder Singh (deceased) was pulling the *rehri* on road. It was not having any reflector. Therefore, the deceased is to be blamed for the accident.

After going through the site plan, it comes out that the accident

took place on the extreme left side while going from Talwandi Sabo to

Mansa. The rehri was on the extreme left side of kachha portion when coming from Talwandi Sabo. The present petitioner was coming from Mansa side and was supposed to be on his left side. The fact that the accident took place on his extreme right side on kachha portion goes to show that he was unable to control his TATA Sumo and it hit the rehri, which was on its left side on the kaccha portion. The cow died at the spot and Harjinder Singh later on succumbed to injuries. Therefore, it is a rash and negligent driving on the part of the present petitioner, who was driving TATA Sumo. There are concurrent findings of two courts below.

Learned counsel for the petitioner has prayed for showing leniency in the quantum of sentence. The maximum sentence awarded to the petitioner is of rigorous imprisonment for one year for the commission of offence punishable under Section 304-A IPC.

Keeping in view that fact that large number of deaths take palce daily due to road accidents which are increasing enormously, there is no ground to reduce the sentence.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 08, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No