

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

**CRR No.336 of 2017 (O&M)
Date of Decision: September 21, 2017**

Jassa Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr.Ajay Pal Singh Gill, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jassa Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 18.07.2016 passed by learned Sub Divisional Judicial Magistrate, Abohar vide which the petitioner was convicted and sentenced to undergo rigorous 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 further to pay fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of seven days under Section 181 of the Motor Vehicle Act and also challenging the judgment dated 06.12.2016 passed by learned Addl. Sessions Judge, Fazilka, vide which appeal filed by petitioner was dismissed. However, the sentence imposed upon the petitioner under

Section 304-A IPC was reduced and he was directed to undergo rigorous

imprisonment for a period of one year and six months instead of two years. The sentence of fine and other sentence 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 challan was presented against the petitioner in case FIR No.162 dated 02.11.2014 under Sections 304-A IPC and Section 181 of the Motor Vehicle Act. The brief facts of the case as noted down in the judgment passed by learned SDJM, Abohar, are as under:-

“2. Brief facts of the story of prosecution are that on 2.11.2014 two medical ruqas qua admission of injured Tek Chand and Jassa Singh were received at police station from civil hospital, Abohar that both the above said persons are admitted in the hospital due to injuries so action be taken. Thereupon SI Bhola Singh alongwith other police officials reached civil hospital, Abohar and enquired about the injured, to which doctor replied that Tek Chand has been referred to G.G.S Medical College, Faridkot due to seriousness of his injuries, while second injured Jassa Singh has left the bed without informing anybody, so on return to police station rapat in said regard was entered. Later on one telephonic call was received from G.R.Bansal Hospital, Ganganagar regarding death of injured Tek Chand and for sending IO for initiation of proceedings. When SI Bhola Singh alongwith other police officials had to leave for Ganganagar, SI made telephonic call at phone No.97806-22491 of Sandeep Singh son of deceased Tek Chand, who told that he is bringing dead body of his father to civil hospital, Abohar and would get his statement recorded there. Thereafter, SI Bhola Singh and other police officials reached civil hospital, Abohar and on the gate of the hospital Sandeep Singh son of Tek Chand resident of Sarabha Nagar, Seed Farm road, Abohar got his statement recorded to the effect that he

hails from the above said address. He and his father Tek Chand and his younger brother Amandeep Singh are working at Deep Engineering Works Malout Road, Abohar near National Tent House and alongwith them Satnam Chand son of Suhaba Ram is also working there. On that day at about 12:00/12:15 PM he and his father Tek Chand were going to buy spare parts from the shop near truck union and his father was 8-10 karams ahead of him and he was behind his father and when they reached near truck union, then from the back side one motor cycle make Hero Honda Splendor Plus bearing no.PB15 F 2314 being driven by Jassa Singh son of Gajja Singh came at high speed and negligently struck against his father, due to which, his father fell on the road and resultantly received injuries on his head and other parts of body. Motor cyclist Jassa Singh also fell down. Then his younger brother Amandeep Singh, co employee Satnam Singh and other people also assembled at the spot. They arranged conveyance and got admitted his father Tek Chand and motor cyclist Jassa Singh into civil hospital Abohar for treatment and due to serious condition of his father, he has been referred to Guru Gobind Singh Medical College Faridkot but they by observing condition of his father to be more serious got his father admitted in Ganga Ram Bansal Hospital, Sriganaganagar, where he died during treatment. It is further informed that the accident has been caused by motor cyclist Jassa Singh by driving the same negligently at high speed. The complainant accordingly requested for taking action against the accused. The statement after endorsement was sent to police station for registration of case. Further investigation was carried out. Statements of witnesses were recorded. Accused was arrested in the present case and released on bail. After completion of the investigation challan against him under Sections 304-A IPC & 181 of Motor Vehicle Act was presented in the Court.”

Learned SDJM, Abohar, 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, Fazilka, vide judgment dated 06.12.2016, with the modification in sentence, as stated above.

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

At the time of arguments, 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. Learned counsel for the petitioner argued that petitioner is a poor person and first offender. Learned counsel for the petitioner further contended that the petitioner is suffering from the criminal proceedings since 2014 and he has already undergone actual sentence of 11 months and 24 days including remission.

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, first offender and he is facing long protracted criminal proceedings since 2014 i.e. for the last about 3 years and also in view of the fact that petitioner has already undergone actual sentence of 11 months and 24 days including remission of 2 months and 10 days out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Jassa Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

September 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No