

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

**CRR No.3639 of 2017 (O&M)
Date of decision : November 20, 2017**

Narain Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parminder Singh, 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 record received and perused.

The allegations against the petitioner are that on 01.02.2011 at about 3 p.m., deceased Sati Ram was driving a motorcycle bearing registration No.DL-35BA-1483 and Sanjay Kumar was riding the pillion seat. They were going from Ballabgarh towards Seekri side. When they reached near Bapu Nagar turn, a ten tyred truck bearing registration No.PB-10CA-8065, being driven rashly and negligently by the present petitioner, came from behind and hit their motorcycle from the back side. As a result of which, Sati Ram and Sanjay Kumar fell down. However, Sati Ram died at the spot. The driver of the truck disclosed his name as Narain Singh son of Magar Singh. Taking the advantage of mob gathered at the spot, driver of the truck fled away from the spot. Munna Lal son of deceased Sati Ram, who was coming behind on his auto rickshaw also witnessed the occurrence.

Learned counsel for the petitioner contends that the mechanical
report of the motorcycle is not on file.

I am of the view that it appears from the facts that the truck did not hit the motorcycle hard from the back side. Therefore, in the light of the statement of two eye witnesses, if the mechanical report is not there, it will not change the fate of the case.

It comes out from the lower court file that in addition to the statement of Munna Lal, Sanjay Kumar, who was the pillion rider of the aforesaid motorcycle also supported the prosecution case. Sanjay Kumar specifically stated that the accused-petitioner was caught at the spot, who later on taking advantage of mob gathered at the spot fled away from there. He identified him in the Court and also disclosed the number of the offending truck.

A perusal of the site plan shows that the accident took place while the deceased was driving the motorcycle on the left side of the road. Therefore, there is no illegality or infirmity in the findings recorded by both the courts below.

Learned counsel for the petitioner has further contended that the sentence of rigorous imprisonment for one year awarded to the petitioner is on higher side.

After considering the contention of learned counsel for the petitioner, I am of the view that the sentence of rigorous imprisonment for one year awarded to the petitioner cannot be called excessive. Thus there is no ground to interfere in the same.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 20, 2017

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