

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3889 of 2017 (O/M)
Date of decision : 6.12.2017

Harmohinder Singh alias Harminder Singh Revisionist

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.K. Singla, Advocate, for revisionist.

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 ?
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KULDIP SINGH J. (ORAL)

The lower Court file perused.

In this case, present revisionist drove a private bus bearing registration No. PB-31A-3355, belonging to Dhillon Transport Company, rashly and negligently and hit the scooter bearing registration No. PB-31B-0496 being driven by Amrik Singh, on which his sisters Veerpal Kaur and Sarabjit Kaur were riding pillion. As a result of accident, Amrik Singh, Veerpal Kaur and Sarabjit Kaur died at the spot. The accident took place at 1200 noon. The bus driver left the bus at the spot and fled away. After sometime, the police arrived at the spot. The bus was taken into possession.

The learned counsel for revisionist has argued that in this case, there is no mechanic report, nor any independent witness has been examined to prove that accident had taken place. Even in the photographs, there is no mark to show that bus met with the accident. It is further contended that the identity of revisionist is not proved. Further reliance has been placed on the

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statement of complainant as to whether he got the FIR registered or as to whether his brother got the FIR registered.

After minutely examining the record, I am of the view that the complainant had got the FIR registered. He was on another scooter being driven by his brother Balbir Singh. The bus was found at the spot. The identity of bus is proved. Satinder Singh, owner of Dhillon Transport Company when examined as PW7 stated that on that day, present revisionist was the driver of his bus. He had come to know that his bus had met with an accident. Therefore, it proves the identity of revisionist and the fact that bus had met with accident. His admission in cross examination that his statement is hearsay statement, is of no help to revisionist. Since no record of duty was maintained by private transport company, the statement of Satinder Singh (PW7), owner of Dhillon Company is sufficient to prove the identity of revisionist. There is no illegality or infirmity in the findings recorded by two Courts below. In this case, three siblings lost their lives. The lower Court has already taken the lenient view by awarding rigorous imprisonment for one year under Section 304-A IPC, whereas in my view, it is fit case where maximum sentence for offence should be awarded. There is no ground to reduce the sentence as well. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

6.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No