

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

CRR No.3978 of 2017 (O&M)
Date of Decision: December 19, 2017

Gurdial Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bains, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurdial Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 07.05.2015 passed by learned Chief Judicial Magistrate, Tarn Taran, vide which the petitioner was convicted under Sections 279, 304-A, 338 and 337 IPC and sentenced to undergo rigorous imprisonment for a maximum period of two years under Section 304-A IPC along with fine and also challenging the judgment dated 12.08.2016 passed by learned Addl. Sessions Judge, Tarn Taran, vide which appeal filed by petitioner was dismissed. All 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.260 dated 07.12.2011 under Sections 304-A, 279, 337 and 338 IPC. The brief facts of the case as noted down in the judgment passed by learned CJM, Tarn Taran, are as under:-

“2. The present FIR no.260 dated 7.12.2011 under Sections 304-A,279,337,338 IPC police station, City Tarn Taran was registered against the accused on the complaint moved by complainant Resham Singh son of Mukhtiar Singh, resident of Dubli. He stated that the sons of his uncle(Chacha) i.e Raj Singh and Hardial Singh are money lenders(Artiya) by profession. On 7.12.2011, at about 12.00 noon, Raj Singh son of Buta Singh, his nephew started from village Dubli on his Motorcycle bearing No.PB-38A7619. His brother Hardial Singh was riding pillion, whereas he himself was behind the said Motorcycle on his own Motorcycle bearing No.PB-46K-6406. They were going towards Amritsar city in connection with the work of their money lending business. When they reached near T point Focal point, Tarn Taran, a mini bus bearing No.PB-9E4785 came from the side of Chabal, Bye-pass. The said mini bus belonged to New Behla Transport Co. The driver of the said bus suddenly turned the bus towards the main road at a very high speed and without any indicator and struck against the Motorcycle, which was being driven by Raj Singh. Both Raj Singh and Hardial Singh fell off the Motorcycle on the road and were grievous injured. He further stated that after arranging the vehicle, he took them to Civil Hospital, Tarn Taran. However, their conditions was deteriorated when he was taking them to Amritsar for further treatment. Hardial Singh succumbed to his injuries on the way, whereas Raj Singh was admitted in Amandeep Hospital, Amritsar. He further stated that as per his information, the said Bus was being driven by one Gurdial Singh son of Gurbax Singh, resident of village Baghiari, District Tarn Taran. On the basis of the complaint of the complainant a case under Sections 279,304-A,337,338 IPC was registered. The investigation was carried out. The site plan of the place of

accident was prepared. Accused was arrested. During investigation, the R.C of the said bus and the driving license of the accused was taken into police custody vide separate recovery memos. Statements of the witnesses were recorded. After completion of investigation, report under Section 173 Cr.P.C was presented in the court.”

Learned CJM, Tarn Taran, 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, Tarn Taran, vide judgment dated 12.08.2016.

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 first offender, poor person and sole bread earner of the family. Learned counsel for the petitioner further contended that the petitioner is suffering from the criminal proceedings since 2011.

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 first offender, poor person and only bread earner of the family and also in view of the fact that he is facing long protracted criminal proceedings since 2011 i.e. for the last about 6 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year and six

months under Section 304-A IPC instead of two years. However, the

sentence of fine and in default thereof, shall remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, present revision petition stands dismissed.

December 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No