

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

CRR No.710 of 2017 (O&M)
Date of Decision: November 17, 2017

Jagdev Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.V.S.Chugh, Advocate
for the petitioner.

Mr.Ayush Sarna, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ajit Singh against Krishan and other respondents, challenging the impugned judgment of conviction and order of sentence dated 22.01.2016 passed by learned Judicial Magistrate Ist Class, Malerkotla, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonments for a period of two months under Section 279, two years under Section 304-A IPC and six months under Section 427 IPC and to pay ₹50,000/- as compensation to the legal representatives of deceased Ranjeet Singh and also challenging the judgment dated 06.10.2016 passed by learned Addl. Sessions Judge, Sangrur, 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 the challan was presented against the petitioner in case FIR No.10 dated 21.01.2010. The brief facts of the case as noted down in the judgment passed by learned JMIC, Malerkotla, are as under:-

“2. In brief the story of the prosecution is that on 21.1.2010 ASI Birbal Singh alongwith the police party in connection with patrolling were present at Malerkotla near Delhi Gate where the complainant Gurpreet Singh suffer statement that he is resident of Amargarh. That today on 21.1.2010 he, his father Ranjeet Singh and his paternal uncle Manjeet Singh were going to Amargarh from Malerkotla. That at about 3:20PM his father Ranjeet Singh drive his motorcycle bearing no. PB-28D-0451 and he alongwith his uncle Manjeet Singh were behind above said Ranjeet Singh on motorcycle. That when his father Ranjeet Singh reached at Chowk near Ha-Da-Nara Gurdawara Sahib and tried to cross the road after watching both sides, suddenly a bus bearing no. PB-10BT-3247 belongs to Libra Bus Service driven in rash and negligent manner by its driver at high speed coming from the side of Ludhiana was struck with the motorcycle of his father. With the effect of that his father suffered various injuries and when they took his father into civil hospital Malerkotla he was died in the way. That motorcycle of his father was also damaged. That the above-said accident was occurred due to rash and negligent driving of the driver of offending bus. That he came to know that the name of the driver of offending bus is Jagdev Singh son of Bhajan Singh who run away from the spot after leaving the offending bus at the place of occurrence. On the statement of complainant present FIR was registered against the accused. Site plan was prepared. Post-mortum of the body was conducted. Offending bus and motorcycle of deceased Ranjeet Singh were taken into possession. Accused was arrested and after completing the other investigation charge sheet was present against the accused for judicial verdict.”

Learned JMIC, Malerkotla, 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, Sangrur, vide judgment dated 06.10.2016.

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

At the time of arguments, again learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only prayed for reduction of sentence imposed upon the petitioner. Learned counsel for the petitioner argued that petitioner is poor person, first offender and is suffering from the criminal proceedings since 2010. Learned counsel for the petitioner further contended that the petitioner has already undergone imprisonment of 7 months and 27 days including remission upto 03.05.2017 as per custody certificate.

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 facing long protracted criminal proceedings since 2010 i.e. for the last about 7 years and also in view of the fact that petitioner has already undergone actual sentence of 7 months 27 days including remission of one month upto 03.05.2017 as per custody certificate, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Jagdev 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 compensation, if already not paid.

November 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No