

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

CRR No. 706 of 2006

Date of Decision : 19.09.2018

Harbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Aftab Singh Khara, Advocate for the petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab.

Anupinder Singh Grewal, J.(Oral)

This revision petition has been preferred by the petitioner against the judgment dated 16.03.2006 passed by the Additional Sessions Judge, Sangrur, whereby the judgment of conviction and order of sentence dated 02.02.2005 passed by Sub Divisional Judicial Magistrate, Dhuri, was upheld. The petitioner had been convicted under Sections 279, 337 and 304-A of Indian Penal Code (for short 'IPC') and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- each and in default thereof to further undergo rigorous imprisonment for a period of one and half months for the commission of offence punishable under Sections 279, 337 IPC and further sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 2000/- and in default thereof to further undergo rigorous imprisonment for a period of three months for the commission of offence punishable under Section 304-A IPC. All the sentences were ordered to run concurrently.

It was the case of the prosecution that on 18.03.2001 Navdeep Singh was driving the cycle, while Gurpreet Singh was sitting on the frame of the cycle. The cycle was hit by a Mini Bus bearing registration No. PB-13E-8266 driven by the accused-petitioner in a rash and negligent manner at about 3.00 P.M. Navdeep Singh fell at a distance while Gurpreet Singh, who was 10 years of age, was run over by the bus and died on the spot. On receipt of complaint of Karnail Singh, FIR No. 85 dated 18.03.2001, under Sections 279, 304-A and 337 IPC, Police Station Dhuri was registered. After completion of investigation, challan against the accused was presented in Court.

Charge under Sections 279, 337 and 304-A IPC was framed against the accused, to which he pleaded not guilty and claimed trial.

In order to prove its case, prosecution examined as many as eight witnesses and closed the evidence.

The accused was examined under Section 313 Cr.P.C. wherein all the incriminating evidence was put to him to which he pleaded false implication. However, he did not lead any evidence in his defence.

Learned counsel for the petitioner has contended that he does not challenge the conviction of the petitioner and would confine his prayer in this petition only to the reduction of the sentence. He has contended that the incident took place 17 years ago and the petitioner was the driver of the offending vehicle. He is the sole bread winner of his family and has undergone sentence of imprisonment of one year, four months and twenty days out of the total sentence of two years. He is not involved in any other case. He has also relied upon a judgment of a Co-ordinate Bench of this Court in the case of *Dheeraj Vs. State of Haryana, CRR-2460-2016*,

decided on 08.09.2016, whereby sentence of the petitioner therein, who was convicted for offence under Section 304-A IPC, had been reduced to the already undergone period of three months and five days.

Learned State counsel has filed the custody certificate, which indicates that the petitioner has undergone sentence of imprisonment of one year, four months and twenty days including remissions.

It is, thus, manifest that the petitioner has undergone sentence of imprisonment of one year, four months and twenty days including remission out of the total sentence of two years. He is stated to be the sole bread winner of his family and not involved in any other case. He is facing the agony of protracted criminal proceedings for almost 17 years.

Therefore, while the conviction of the petitioner for offence under Section 304-A IPC is maintained, the sentence qua imprisonment of the petitioner is reduced to the period already undergone by him.

With the above modification in the sentence, the revision petition stands partly allowed.

September 19, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*