

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

**CRR No.2077 of 2017(O&M)
Date of decision :17.11.2018**

Surjit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. H.S.Kasan, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

This is a revision petition for challenging the judgment dated 06.05.2017 passed by learned Sessions Judge, Kaithal, whereby, the judgment and order dated 08.06.2015 passed by learned Judicial Magistrate 1st Class, Guhla has been upheld, whereby the petitioner was convicted under Section 279, 304-A of IPC and Section 192 of Motor Vehicles Act and the petitioner was sentenced to undergo a maximum sentence of six months under Section 304-A of IPC; along with lesser sentences under the other sections.

At the outset, counsel for the petitioner submits that since the petitioner has already undergone about 50% to the sentence, therefore, he would restrict the present petition qua the quantum of sentence only. Accordingly, it is prayed by the counsel that the sentence of the petitioner be reduced; to the sentence already undergone by him. Counsel further points out that the fine imposed by the trial Court has already been deposited by the petitioner.

The brief facts of the case are that the FIR was got lodged on

the complaint of PW-2 Rampal that on 01.06.2014, at about 5.30 p.m., he along with his grand son Gagandeep were going to the side of Gurudwara of the village Kamheri. When they reached near the water tank of gurudwara, at that time, the offending Canter bearing Registration No. HR-64-5510, came in very rash and negligent manner and hit his grand son Gagandeep from behind. As a result, his grand son fell down on the road and the backside wheel of the Canter passed over his grand son and the grand son of the complainant succumbed to the injured on the spot. After the accident, the driver of the Canter had stopped his vehicle on the spot. However, when many people gathered there, apprehending something wrong, the driver of the Canter ran away from the spot, leaving his Canter behind. On these allegations, the prosecution of the present petition was initiated.

During the evidence PW-1, Ram Singh and PW-3, Charan Singh did not even identify the petitioner as the person who cause the accident. Complainant-PW-2 had identified the petitioner, although some inconsistencies were alleged in his statement. However, keeping in view the totality of the circumstances, the trial Court convicted and sentenced the petitioner.

Feeling aggrieved of this conviction and sentence, the petitioner filed an appeal before the learned Sessions Judge, Kaithal. However, his appeal was also dismissed by the Lower Appellate Court. Accordingly, the present petition has been preferred by the petitioner.

As stated above, counsel for the petitioner has submitted that although, he has a good case on merits, however, the petitioner has restricted the present petition qua quantum of sentence only, because the petitioner has already completed half of the sentence.

To support his submission qua reduction of sentence, counsel for the petitioner has submitted that the petitioner is the first offender. He is the sole bread earner of the family. He is having three minor children and his old-age parents. The petitioner has already remained in custody for about three months. Even during the custody, the petitioner has not been accused of any improper conduct by the jail authorities. Still further, it is contended that the petitioner has already completed about 50% of the sentence awarded to him by the Courts below, which is sufficient keeping in view of above said factors.

On the other hand, learned counsel for the State submits that since the negligence of the petitioner has resulted into the death of a young boy, therefore, the petitioner does not deserve any sympathy. The trial Court has already awarded him lesser punishments.

Having heard counsel for the parties, this Court finds that the maximum punishment awarded to the petitioner by the Courts below is six months. The fine has already been deposited by the petitioner. The petitioner has shown sufficient tendency to reform himself; because the petitioner has maintained good behaviour even during the custody. Due to this very fact, the petitioner has earned remissions during the period of his imprisonment.

In view of the above and taking into consideration the fact that the petitioner is the first offender and having the family consisting of minor children and old-age parents to support, it would not be unjustified if the sentence of the petitioner is reduced to some extent, so as to grant him an opportunity to reform himself and to join the mainstream once again.

Hence, the present petition is partly allowed. While maintaining

the conviction of the petitioner, as held by the Courts below, the sentence awarded to the petitioner is reduced to the sentence already undergone by him.

Counsel for the petitioner submits that the petitioner was released on bail pending decision of the present petition, vide order dated 02.08.2017. Therefore, he is already on bail. Accordingly, let the bail bonds of the petitioner be discharged.

(RAJBIR SEHRAWAT)
JUDGE

17.11.2018
hemlata

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No