

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

CRR-2358-2017 (O&M)
Date of Decision:-07.02.2019

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.S. Jalal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails judgment dated 06.05.2017 passed by the learned Sessions Judge, Moga whereby his appeal challenging his conviction as recorded by learned Judicial Magistrate Ist Class, Moga dated 08.10.2015 in respect of offences punishable under Sections 304-A, 279, 337 and 338 of Indian Penal Code, 1860 has been dismissed.
2. The case of the prosecution is that on 16.08.2010, the petitioner who was driving a truck bearing registration No.RJ-31G-0949 rammed into a car bearing registration No.PB-11AN(Temp)5069 while driving his truck rashly and negligently resulting in death of 3 persons namely Jatinder

Kaur, Arvinder Singh and Raj Singh while Gagandeep Kaur was injured. The prime eye-witness in the present case was PW-4 Balbir, who was going in a separate car. The trial Court after marshaling the evidence led by the prosecution held the accused guilty for having committed offences punishable under Sections 304-A, 279, 337 and 338 of Indian Penal Code, 1860 and sentenced the accused to undergone imprisonment as follows:-

Under Sections	Rigorous Imprisonment	Fine	In default
304-A IPC	Two Years	₹3,000/-	Rigorous Imprisonment for 30 days
279 IPC	Six Months	—	—
337 IPC	Six Months	--	—
338 IPC	One Year	—	—

3. All the aforesaid sentences were ordered to run consecutively. The petitioner challenged the aforesaid judgment dated 08.10.2015 by way of filing appeal before the Court of learned Sessions Judge, Moga, which was dismissed vide judgment dated 06.05.2017, which has been impugned by way of filing present criminal revision petition.
4. I have heard learned counsel for the petitioner and also the learned State counsel and have also perused the impugned judgment. Upon perusal of the impugned judgment, this Court finds that the evidence led by the prosecution is found to be trustworthy and reliable and there is no misreading of the same. The finding as recorded by the trial Court and upheld by the lower Appellate Court as regards the cause of accident and negligent & rash driving on the part of the petitioner do not call for any

interference and are hereby upheld. Consequently, the finding of the Court below as regards the conviction of the petitioner for offences punishable under Sections 304-A, 279, 337 and 338 of Indian Penal Code, 1860 are hereby affirmed. However, this Court finds that there is some room for modification in the sentence especially in view of the fact that the petitioner is not stated to be a previous convict. As such, the substantive sentence of imprisonment as imposed upon the petitioner in respect of various offences is ordered to run '**concurrently**' instead of '**consecutively**' as had been ordered by the trial Court.

5. The revision petition stands dismissed except the aforesaid modification in the sentence which is ordered to run concurrently in respect of all the offences.
6. The fine imposed upon the petitioner shall remain unaltered.

(GURVINDER SINGH GILL)
JUDGE

07.02.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No