

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

CRR No. 669 of 2020 (O&M)
Date of Decision:-23.9.2020

Surinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jatinder Singh Gill, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. Petitioner Surinder Singh assails judgement dated 18.12.2019 passed by learned Additional Sessions Judge, Fatehgarh Sahib, whereby an appeal filed by the petitioner challenging his conviction for offences under Sections 279 and 304-A of Indian Penal Code, 1860 (for short- IPC), as recorded by Judicial Magistrate 1st Class, Fatehgarh Sahib vide his judgement dated 26.11.2015, has been dismissed.
2. As per case of prosecution, on 22.10.2009 Karnail Singh, while riding pillion seat of motorcycle driven by Harbans Singh was proceeding towards Mandi Gobindgarh. The complainant Jarnail Singh and Amrik Singh were following them on another motorcycle. It is alleged that when they reached near G.T. Road in front of Dainik Bhaskar building, a truck bearing registration No. HR-58-0315 crossed them in a rash and negligent manner

and hit into the motorcycle driven by Harbans Singh with Karnail Singh sitting on the pillion, and resultantly both of them fell on the road and died at the spot. It is further the case of prosecution that the driver of the offending vehicle in question alighted from his truck and went away from the spot after leaving his truck there.

3. The matter was investigated by the police and upon investigation challan was presented against the accused for offences under Sections 279 and 304-A IPC. The accused/petitioner was tried and found guilty by the Magistrate vide judgement dated 26.11.2015 and sentenced to undergo rigorous imprisonment for six months for offence under Section 279 IPC and rigorous imprisonment for one year in respect of the offence under Section 304-A IPC. The appeal filed by the petitioner challenging aforesaid judgement also came to be dismissed by learned Additional Sessions Judge, Fatehgrah Sahib vide judgement dated 18.12.2019, which has been assailed by way of filing the present revision petition.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was never identified so as to be held guilty. It has also been submitted that no reliance can be placed on the testimony of complainant PW-1 Jarnail Singh as he happens to be real brother of the deceased Karnail Singh and apparently had been projected as a witness. It has also been submitted that the witnesses themselves are not clear about the offending vehicle and while at one point of time the vehicle is referred to as a tanker, but at another point of time it is being referred to as a truck.

5. I have considered aforesaid submissions and have also perused the impugned judgements.
6. Upon perusal of the impugned judgements, I find that the prosecution mainly relies upon the testimony of the complainant i.e. PW-1 Jarnail Singh and also of PW-2 Amrik Singh who were both on a motorcycle which was being driven a little behind the motorcycle of deceased. Both of them have fully supported the case of the prosecution which finds support from the medical evidence as well. There can hardly be any dispute as regards identity of accused since the accused was seen by the complainant and Amrik Singh when the accused alighted from his truck immediately after the accident. In any case, he was also identified subsequently at the police station. In these circumstances, the contention raised on behalf of the petitioner in this regard cannot be accepted. Although, during the course of arguments the counsel for the petitioner also submitted that there is some inconsistency in description of offending vehicle inasmuch as while in some part of the statements of witnesses, the vehicle in question is referred to as a tanker but at other places it is being referred to as a truck , but such like inconsistency can hardly be of any consequence since a truck or a tanker from a layman's point of view would fall in same category. In any case, the registration number of the offending vehicle is not in dispute and finds mentioned in FIR itself. Consequently, the minor variation in description, when registration number is stated correctly, would not cause any dent in the case of prosecution. As regards the question of veracity of testimony of complainant, the mere fact that complainant happens to be related to deceased would not ipso-facto mean that his testimony has to be disregarded

under all circumstances. The duty of the Court in such circumstances is to scrutinise the testimony of such witness carefully so as to satisfy itself as regards credibility of such witness. In the present case, despite the witnesses PW-1 Jarnail Singh and PW-2 Amrik Singh having been subjected to cross-examination, nothing seems to have been brought about to doubt their credibility so as to justify discarding their statements. Both the Courts below have marshaled the evidence meticulously and have reached at consistent findings as regard guilt of accused/petitioner, which do not warrant any interference by this Court. Consequently the findings of learned Magistrate and upheld by learned Additional Sessions Judge, Fatehgrah Sahib as regards the conviction of the petitioner for offences under Sections 279 IPC and 304-A IPC are affirmed. This Court does not even find any room for reduction of sentence as it is a case where two lives have been lost and the sentence imposed is rigorous imprisonment for one year only.

7. Finding no merit in the petition, the same is dismissed.

23.9.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No