

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

114

CRR No.693 of 2019

Date of Decision: 17.2.2020

KEWAL SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.B.P.S.Virk, Advocate for
Mr.Mahesh Gupta, Advocate
for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has filed this revision petition challenging the judgment of conviction and order of sentence passed by the Courts below.

Petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of three months under Section 279 IPC; rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in default of payment of fine, simple imprisonment for a period of one month under Section 304-A IPC; rigorous imprisonment for a period of three months under Section 337 IPC and to under rigorous imprisonment for a period of two years and to pay a fine of

Rs.1,000/- and in default of payment of fine simple imprisonment for a period of one month under Section 338 IPC. The order of sentence is silent about running the aforesaid sentences, whether the sentences will go concurrently or consecutively

Both the Courts below have found that the testimony of PW-1 Bhupinder Singh and that of PW-10 Navneet Kaur are trustworthy. The accused-petitioner brought the vehicle on wrong side at a very high speed in a rash and negligent manner. The testimonies of eye witness and injured have been corroborated from the factual situation as reflected in the site plan Ex.PF, which was prepared immediately after the accident. The vehicle in question was found at a wrong side of the road. Injured Navneet Kaur and Milap Singh sustained injuries in the aforesaid accident, whereas, Jagdeep Singh and Bhagwan Singh lost their lives. There was damage to the car as well. The injuries on the persons of injured have been proved by medical evidence. PW-7 Dr. Harpal Singh has been examined, whereas, post mortem reports Ex.PW-5/B and Ex.PW-5/D have been proved by PW-5 Dr.Vinod Kumar.

Taking stock of the situation, both the Courts below have convicted and sentenced the petitioner in the aforesaid manner.

At the time of issuance of notice of motion, learned counsel for the petitioner confined his prayer only to the extent

of quantum of sentence and also for making the sentences to run concurrently.

In view of complicity of the petitioner, there is no scope of reduction of any sentence, however, so far as running of sentences concurrently is concerned, this Court finds that there is no order passed by the trial Court in respect of running of sentences concurrently or consecutively. All the sentences have been arisen from the same accident, therefore, in the light of observations made by this Court in Jang Singh vs. State of Punjab 2008 (1) RCR (Crl.) 323 and Shamsher Singh @ Shera vs. State of Punjab, 2011 (3) RCR (Crl.) 119, I modify the order of sentence to that extent, thereby, ordering running the sentences concurrently from the date of passing of the order by the trial Court. Except the aforesaid modification, the judgment and order passed by the Courts below are upheld.

Petition stands disposed of accordingly.

February 17, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No