

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

CRR-2738-2014(O&M)

Date of decision:-18.3.2020

Veer Singh alias Veeru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.H.S. Deol, Advocate and
Mr.Bhupinder Banga, Advocate
for the petitioner.

Mr.Rajender Kumar, DAG, Haryana.

H.S. MADAAN, J.

Accused Veer Singh alias Veeru faced trial by Judicial Magistrate Ist Class, Sirsa in a case FIR No.135 dated 30.6.2006 for the offences under Sections 279, 304-A and 427 IPC, registered with Police Station N.S. Chopta on the allegations that on 30.6.2006 at about 7:40 p.m. in the area of Chandiwal Chowk, Police Station N.S. Chopta, he drove the vehicle make Mahindra Loading King bearing registration

No.HR57-1634 on a public way in a manner so rash and negligent so as to endanger human life and personal safety of others and by his such driving had hit Santro car bearing registration No.HR-18/3051 being driven by Raghubir Singh, SI/SHO of the said police station; resultantly he suffered injuries, to which he succumbed.

On conclusion of trial vide judgment daed 22.5.2012, accused was convicted for the offences under Sections 279 and 304-A IPC and in terms of order dated 24.5.2012, he was sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo rigorous imprisonment for a period of seven days for the offence under Section 279 IPC and to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- for the offence under Section 304-A IPC and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Feeling aggrieved by his such judgment of conviction and order of sentence, the accused had approached the Court of Sessions by way of filing an appeal. However, his appeal was dismissed by learned Sessions Judge, Sirsa vide judgment dated 26.8.2014.

Still feeling dissatisfied, the accused has knocked at the door of this Court by way of filing a revision petition, which was admitted with regard to quantum of sentence only.

Even otherwise, there is no illegality or infirmity in the judgments passed by the Courts below while convicting the accused for the offences under Sections 279 and 304-A IPC observing that he was

author of the accident by his rash and negligent driving of the offending Mahendra Loading King vehicle on a public way on 30.6.2006 at about 7:40 p.m. in the area of Chandiwal Chowk, Police Station N.S. Chopta, resulting in death of SI Raghubir Singh. This conclusion has rightly been arrived at relying upon cogent and convincing oral as well as documentary evidence produced by the prosecution including the eye-witness account provided by SI Joginder Singh appearing as PW1, EHC Sita Ram – PW2, HC Ram Niwas – PW3 coupled with the other evidence available on the record. Thus, both the judgments passed by the Courts below deserve to be upheld with regard to conviction of the accused.

Now coming to the sentence part. The petitioner/accused has been sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.200/- and in default of payment of fine to further undergo rigorous imprisonment for a period of seven days for the offence under Section 279 IPC and to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- for the offence under Section 304-A IPC and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Learned counsel for the petitioner/revisionist has contended that the revisionist/accused does not have a past criminal record; he is a poor person and only earning member in the family; he has already undergone 7 months and 12 days out of substantive sentence of one year; the legal representatives of the deceased had been adequately compensated by way of grant of compensation of Rs.16,24,520/- by MACT, Hisar vide award dated 28.7.2008. Therefore, leniency be shown

in the matter of sentence.

Whereas this request is being vehemently opposed by learned State counsel.

After hearing the rival contentions, I find that the revisionist by his rash and negligent driving of the offending vehicle on a public way had caused death of an innocent person, who was statedly aged about 40 years. It comes out that the accused was driving the offending vehicle on a public way in a dare devil manner throwing caution to the winds not caring for the lives of the other commuters on the road. He failed to exercise care and caution expected of him while driving the offending vehicle on the public way.

The revisionist/accused has already been dealt with leniency by the Courts below inasmuch as substantive sentence of only one year has been imposed upon him when he could be sentenced to undergo imprisonment for two years for offence under Section 304-A IPC. Reduction of further sentence shall amount to misplaced sympathy to him and send a wrong message in the society that one can drive a vehicle in a wrongful manner endangering lives of the commuters on the road ,cause death of a human being and then be let off with a very light sentence by the Courts. Such a signal may encourage the potential wrongdoers resulting in increase in number of road mishaps.

In view of the above, I find no illegality or infirmity in the judgments passed by the Courts below, as regards the conviction and sentence part, those are upheld and revision petition is found to be without any merit and is dismissed accordingly.

Veer Singh @ Veeru – accused is stated to be on bail granted to him by this Court while suspending his sentence. His bail is cancelled. Chief Judicial Magistrate, Sirsa is directed to issue arrest warrant to get him arrested so as to make him undergo the remaining sentence.

18.3.2020

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**