

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

**CRR No. 57 of 2020 (O&M)
Date of decision: 06.09.2021**

Imran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the judgment of conviction dated 27.07.2018 and order of sentence of the even date passed by the trial Court, vide which, the petitioner was held guilty for commission of offence punishable under Sections 283 and 304-A of the IPC and was sentenced to undergo simple imprisonment for a period of 01 year and to pay a total fine of Rs.2200/- with default clause; as well as the judgment dated 02.12.2019 passed the lower appellate Court vide which, while partly allowing the appeal of the petitioner, the sentence was reduced to six months.

The brief facts of the case are that on dated 04.05.2014, SI Bhim Raj, along with HC Rajesh Kumar, was present at Pipli for patrolling and detection of crime, where a telephonic information was received from Police Post to the effect that Vikram son of Ishwar Dutt resident of Mathana has been referred to PGI Chandigarh on account of sustaining injuries in a

road side accident. On this information, a medical *ruqa* and MLR were collected from the said Police Post and at about 5.30 p.m., information was received on phone from MHC of the Police Station that above said Vikram, who was lying admitted at PGI, Chandigarh, has succumbed to the injuries during the treatment. On this information, SI Bhim Raj along with HC Rajesh Kumar reached at the mortuary of PGI, Chandigarh and collected death *ruqa* from the Police Post, PGI, Chandigarh and after meeting the Investigating Officer, Sanjeev Kumar son Hukum Chand resident of Mathana, District Kurukshetra got recorded his statement to the effect that he runs a school in his village and he along with Tara Chand son of Mahabir, resident of House No.1485/12, Didar Nagar, Kurukshetra, while travelling in his Car bearing registration No. HR78-0900, were going to Kurukshetra from Mathana for attending a marriage function. He was driving the vehicle and Vikram son of Ishwar Dutt, resident of Mathana while driving an Esteem car bearing registration No.HR05-M-4433 was going ahead to him. At about 12:30 AM in the past night, when they reached on Kurukshetra Road near Kishanpura turning, Pipli, then a truck bearing registration No.UP-21-AN-3041 was lying parked in the middle of the road without any indicator in front of Mayur Vaishno Dhaba, as a result of which, the car of Vikram struck in the middle of the truck and rammed under neath it. On seeing this, he stopped his car and he and Tara with assistance of other persons, pulled out Vikram from underneath the truck and he had noted down the registration number of the truck as UP-21-AN3041 and at the same time, Government ambulance arrived at the spot, in which, they took Vikram at LNJP Hospital, Kurukshetra and the

unknown driver of the said truck fled away from the spot along with the truck towards Kurukshetra. On account of the serious condition of injured Vikram, he was referred to PGI, Chandigarh by the doctors of LNJP, Hospital and a huge blood oozed out from the head of Vikram. Thereafter, they took Vikram to PGI, Chandigarh in the Government ambulance and during treatment at PGI, Chandigarh, today on dated 04.05.2014 at about 4.00 p.m., he succumbed to the injuries sustained in the accident. He requested for taking legal action against the unknown truck driver.

On the basis of the aforesaid statement, an FIR was registered under Sections 283 and 304-A of the IPC and the investigation was conducted and challan was filed before the Court.

The trial Court, vide impugned judgment of conviction, held the petitioner/accused guilty of offence punishable under Sections 283 and 304-A IPC and sentenced him as noticed above.

Thereafter, the petitioner preferred an appeal before the lower appellate Court and submitted that he has been wrongly convicted by the trial Court. The lower appellate Court, vide impugned judgment, while upholding the judgment of conviction passed by the trial Court, partly allowed the appeal of the petitioner and reduced his sentence to six months.

Aggrieved against the judgments passed by the Courts below, the petitioner has filed the present petition.

During the course of hearing of arguments, learned counsel for the petitioner has contended that he does not contest the findings, recorded by the Courts below, on merits of the case and would feel satisfied if some

leniency is shown in the matter of sentence. He further contends that the petitioner, who is aged about 40 years, is a poor person and has his own family to support. It is further submitted that petitioner has already undergone the agony and trauma of trial for the last about 07 years.

Learned counsel for the petitioner further submits that petitioner has already undergone a period of 05 months and 18 days out of total sentence of 06 months as reduced by the lower appellate Court. Learned counsel for the petitioner further submits that the ends of justice would be met if some leniency is shown to the petitioner in the matter of sentence by reducing the same to the period already undergone by him.

Learned State counsel has filed the custody certificate, as per which, the petitioner has already undergone a period of 05 months and 18 days and he is not involved in any other case. A perusal of the custody certificate shows that petitioner is presently on special parole.

I have heard learned counsel for the parties and have also gone through the material on record.

The FIR in question is of the year 2014. The petitioner has faced protracted trial. He has already undergone agony of trial for several years. As such without going into the merits of the case and keeping in view the fact that the petitioner has already undergone sufficient period of sentence, I find it a case where the reduction of sentence of the petitioner would serve the ends of justice.

As such, while maintaining the impugned judgment of conviction passed by the trial Court as well as the judgment passed by the

lower appellate Court, the sentence awarded by the trial Court, is reduced to the one already undergone by the petitioner.

The bail bonds and surety bonds are discharged. The sentence of fine awarded to the petitioner is maintained as it is.

In view of the above, this petition is disposed of with the above modification in the order of sentence.

The petitioner be released forthwith, if he is not required in any other case.

06.09.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No