

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(107)

CRR-971-2022 (O&M)
Date of decision : - 11.05.2022

Paramjit Singh @ Pammi @ Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jagram Singh Cooner, Advocate, for the petitioner.
Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Challenge in the present Criminal Revision Petition is to the judgment dated 22.10.2021, passed by the Additional Chief Judicial Magistrate, Moga, vide which the petitioner had been convicted under Sections 279 and 304-A of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) and had sentenced him as under: -

Offence	Sentence	Fine	Sentence in default of payment of fine.
304-A IPC	To undergo rigorous imprisonment for one year	Rs.1000/-	To further undergo rigorous imprisonment for one month
279 IPC	To undergo rigorous imprisonment for six months	Rs.1000/-	To further undergo rigorous imprisonment for one month

Both the sentences shall run concurrently.

Challenge has also been made to the judgment 31.03.2022 passed by the Sessions Judge, Moga vide which the appeal preferred by the petitioner against the abovesaid judgment dated 22.10.2021, had been dismissed and sentenced of imprisonment has been upheld.

The brief background of the present case is that FIR No.93 dated 21.09.2015 was registered under Sections 304A, 279, 337, 338 and 427 IPC on the statement of PW2 Surinder Singh son of Gurcharan Singh, who had stated that he was doing the business of electronics and on 21.09.2015, he along with one Gurpreet Singh and Jagmeet Singh (since deceased) were going from village Sodhi Wala towards Chandigarh in Indica Car for some domestic work and the said car was being driven by Jagmeet Singh and at about 6.00 AM, one canter of make Eicher bearing registration No.PB-08BP-4117, came from the wrong side and was being driven rashly and negligently, struck against the car in which, the complainant and deceased were travelling and on account of the injuries received, the said Jagmeet Singh died, whereas, Gurpreet Singh and the complainant suffered injuries. It has been alleged that it was the present petitioner who was driving the offending vehicle and fled away from the spot. After investigation, the challan was presented and the charges were framed. The prosecution had examined seven witnesses.

PW-1 Ashok Kumar was the investigating officer and had proved on record various documents including Ex.P5, which was the memo, vide which the accidental vehicles were taken into police possession and Ex.P7, which was a memo, vide which RC of canter along with insurance was produced by one Taranjit Singh son of Harbhajan Singh, before the

investigating officer.

PW-7 Taranjit Singh was the person who was the owner of the offending truck, which caused the accident, also deposed as a witness and as per his statement, it was the present petitioner, who driving the truck at the time of accident.

PW-2 Surinder Singh and PW-3 were the eye witnesses of the occurrence, who stated to have suffered injuries in the occurrence and they had fully supported the case of the prosecution.

PW-5 Dr. Rupali Sethi, was the Medical Officer, who conducted the postmortem examination on the deceased Jagmeet Singh, had proved on record the postmortem report Ex.PW5/A.

PW-4 Om Parkash, Mechanic, Punjab Roadways and PW-7 Taranjit Singh also supported the case of the prosecution.

After considering the said documents and evidence on record, the trial Court convicted the petitioner in the manner detailed herein above. The Sessions Judge, Moga, in appeal, considered the entire matter and after reappraisal of all the evidence and documents on record, dismissed the appeal filed by the petitioner.

During the course of arguments, learned counsel for the petitioner has submitted that although, he does not wish to challenge the conviction of the petitioner under Sections 279 and 304-A of the IPC but he would be satisfied in case, a lenient view is taken with respect to the sentence which has been awarded to the petitioner. In this regard, he has submitted that the FIR in the present case is of the year 2015 and thus, the petitioner has suffered agony of trial/bail/appeal for all these years and the

petitioner was granted bail/suspension of sentence but he has never misused said concession. It is further submitted that the petitioner is 46 years of age and has one child, who is not earning and he is the sole bread winner in the family and the petitioner has already undergone 1 month and 10 days of actual custody out of the entire sentence awarded to him and has also earned remission of 4 days and thus, total sentence including remission is 1 month and 14 days. It is also submitted that the petitioner is not involved in any other case.

In support of his arguments, learned counsel for the petitioner has relied upon **CRR-1931-2010 decided on 23.07.2019 titled Chander Bhan Vs. State of Haryana** in which in a case where the petitioner had actually undergone sentence of 04 months and 07 days in a case under Sections 279 and 304-A of the IPC, this Court has suspended the sentence by imposing a fine of Rs.25,000/- and the judgment of the Hon'ble Supreme Court in **State of Punjab Vs. Saurabh Bakshi, reported as 2015(2) RCR (Criminal) 495** was considered. Further reliance has been placed upon a judgment of this Court in **CRR-4830-2016 decided on 08.03.2017 titled as "Balwinder Singh @ Binder Vs. State of Punjab"** in which case also the sentence was reduced to four months in a case of conviction under Sections 279/304-A of the IPC, where rigorous imprisonment was awarded for 02 years. In the said case also, the judgment of the Hon'ble Supreme Court in Saurabh Bakshi's case (Supra) was considered. Further, reliance has also been placed upon case of **Jaswant Singh v. State of Punjab, CRR-1239-2012 decided on 29.08.2019, reported as 2020(1) RCR (Criminal) 163**, in which also after taking into consideration the judgment of the Hon'ble

Supreme Court in Saurabh Bakshi's case (Supra), the sentence was reduced to already undergone.

Learned counsel for the State has stated that the judgments of both the Courts below have been passed after considering the entire evidence and material on record. The other factual aspects have not been rebutted by the learned counsel for the State. He has also produced on record the custody certificate of the petitioner, which is taken on record, as per which, the period of custody as stated by the learned counsel for the petitioner, is correct.

This Court has heard the learned counsel for the parties and also considered the entire material on record and finds that there is no infirmity and illegality in the orders passed by the Courts below.

Insofar as the conviction of the present petitioner under Sections 279 and 304-A of the IPC is concerned, this Court is of the view that both the Courts have considered the entire evidence and material on record in detail and have rightly come to the conclusion that it is the petitioner who was involved in the accident and thus, the conviction of the petitioner under Sections 279 and 304-A of the IPC, is upheld.

Insofar as the sentence which has been awarded to the petitioner is concerned, this Court is of the view that the accident in the present case is of the year 2015 and the petitioner has never misused the concession of bail/suspension of sentence. The petitioner is 46 years of age and has one child, who is not earning and he is the sole bread winner in the family. As per the custody certificate, the petitioner has already undergone 1 month and 10 days of actual custody out of the entire sentence awarded to

him and has also earned remission of 4 days and thus, total custody including remission is 1 month and 14 days.

Thus, in view of the abovesaid facts and circumstances, as also the judgments relied upon by the learned counsel for the petitioner, sentence awarded to the petitioner is ordered to be reduced to six months, subject to the fact that an amount of Rs.70,000/- will be deposited by the petitioner before the concerned Additional Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

It is also made clear that in case, the said amount is not deposited within the aforesaid period, then the present criminal revision petition would be deemed to have been dismissed.

The concerned Chief Judicial Magistrate, after the deposit of an amount of Rs.70,000/- by the petitioner as aforesaid, would issue notice to the legal representative of the deceased-Jagmeet Singh and thereafter, release the said amount to the said legal representative of the deceased.

With the abovesaid observations, the present criminal revision petition is disposed of.

Since, the main case has been decided, application bearing CRM-17530-2022 for suspension of sentence of applicant-petitioner is rendered infructuous and is disposed of as such.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

May 11, 2022
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes