

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-1423-2022 (O&M)
Date of decision : 14.07.2022

Taranjit Singh @ Taranjeet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.M.S.Longia, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Manjinder Kumar Bhargav, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

Challenge in the present petition to the judgment and order dated 26.02.2019 passed by the Additional Chief Judicial Magistrate, Rupnagar vide which the petitioner had been convicted under Sections 279, 304A IPC and had been sentenced as under:-

Section	Punishment
279 IPC	To undergo R.I. For a period of 3 months and to pay fine of Rs.1000/- and in default of payment of fine, he shall further undergo R.I. For 15 days.
304A IPC	To undergo R.I. For a period of 2 years and to pay fine of Rs.2000/- and in default of payment of fine, he shall further undergo R.I. for three months.

Both the sentences shall run concurrently.”

Challenge is also to the judgment dated 19.05.2022 passed by the Additional Sessions Judge, Rupnagar vide which the appeal filed by the

upheld.

Learned counsel for the petitioner has submitted that the petitioner is not challenging the conviction of the petitioner and has prayed for leniency and as far as the sentence of the petitioner is concerned, with respect to the same, it has been submitted that incident is of the year 2015 and the petitioner has suffered agony of trial/appeal / revision for all these years and the petitioner has been granted bail / suspension of sentence and the petitioner has never misused the said concession. It is further submitted that in the present case, the matter has been compromised and has referred to the affidavit of Geeta widow of deceased Ashok Kumar (Annexure P-8 at page 66 of the paper book) in which it has been specifically stated that she has compromised the matter and the present petitioner is also labourer and his family is suffering as he is in jail and she has no objection if the petitioner is acquitted of the charges framed against him. It is further submitted that even Sanjay Bajaj, who is the complainant in the present case, has also given an affidavit regarding compromise and the said affidavit is taken on record as Mark A. It is further submitted that the petitioner is 32 years of age and has two minor children and is the sole bread winner of his family. It is stated that the petitioner is not involved in any other case and the petitioner has been in custody since 19.05.2022 and the fine imposed upon him, has already been paid.

In support of his arguments, learned counsel for the petitioner has relied upon ***CRR-1931 of 2010*** decided on 23.07.2019 titled as ***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 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 a coordinate Bench 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 Section 279/304-A 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 Vs. State of Punjab, CRR-1239-2012* decided on 29.08.2019, reported as *2020 (1) RCR (Criminal) 163*, wherein, after taking into consideration the judgment of the Hon'ble Supreme Court in *Saurabh Bakshi's* case (supra), the sentence was reduced to the period already undergone. Further reliance has been placed upon the judgment dated 22.07.2019 passed by a coordinate bench of this Court in *CRR-444-2019* titled as *Sunil Kumar vs. State of Haryana*, in which case also, the petitioner therein was convicted under Sections 279, 337, 304-A of the IPC and had undergone about 3 months of judicial custody and was released on probation.

Notice of motion.

On advance notice, Mr.Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the State of Punjab. He has opposed the present petition and has submitted that both the Courts below have considered the entire evidence and have rightly convicted and sentenced the petitioner and the said judgments would not call for any interference.

Mr.Manjinder Kumar Bhargav, Advocate, appears for the complainant Sanjay Bajaj as well as Geeta, who is the widow of the deceased, and has stated that the affidavit annexed with the petition as well as the affidavit filed in the Court, are genuine and the matter has been compromised without any undue influence or coercion and he has no objection in case the prayer of the petitioner is accepted.

This Court has heard learned counsel for the parties and has perused the paper book.

The brief facts of the case are that as per the case of the prosecution on 16.01.2015 during late night, Ashok Kumar, injured, was admitted in PGI Chandigarh and since he was unfit to make statement therefore, Sanjay Bajaj got recorded his statement on 17.01.2015 to the effect that he along with his cousin brother Satwant Singh @ Soni were coming from village Padol to Kurali in their car and his brother Ashok Kumar was riding ahead of them on his Activa and when they reached near the petrol pump, a car bearing no.PB-10EE-1775 of make Swift came from the back side and the driver of said car overtook their car at a high speed in a rash and negligent manner and crashed into the Activa of his brother and the brother of the complainant fell down on account of which he suffered injuries. The FIR was registered. Thereafter said injured Ashok Kumar succumbed to his injuries and offence under Section 304-A IPC was added in the FIR. Challan was presented and during the trial as many as 7 witnesses had been examined and the details of which are given below:-

1. PW-1 Sanjay Bajaj complainant
2. PW-2 Satwant Singh
3. PW-3 ASI Bakshish Singh, Investigating Officer

4. PW-4 Amarjit Singh Mechanic

5. PW-5 Dr.Mandeep Singh

6. PW-6 Gurmail Singh

7. PW-7 Dr.Vasundra

The trial Court after considering the entire evidence and documents on record, convicted and sentenced the present petitioner, as has detailed hereinabove. The appellate Court had also dismissed the appeal filed by the petitioner.

PW-1 Sanjay Bajaj who is the complainant/ eye witness and PW-2 Satwant Singh, who is the second eye witness, supported the case of the prosecution and proved that it was present petitioner who had caused the accident. PW-3 ASI Bakshish Singh, Investigating Officer, had also duly proved on record the various documents including the recovery memo Ex.PW1/B and Ex.PW1/C. PW-4 Amarjit Singh Mechanic conducted the mechanic test on the scooter/ Aactiva and the car in question and prepared his report Ex.PW4/A and Ex.PW4/B. PW-5 Dr.Mandeep Singh and PW-7 Dr. Vasundra had proved that the death of Ashok Kumar was on account of injuries suffered during the accident. The said witnesses were cross-examined but however nothing came out so as to cause a dent in the case of the prosecution. There is no illegality or perversity in the impugned judgments, thus, as far as the conviction of the petitioner is concerned, the same is upheld. Moreover, the petitioner has not challenged the said aspect before this Court.

As far as the sentence which has been awarded to the petitioner is concerned, this Court is of the view that keeping in view the fact that the incident is of the year 2015 and the petitioner has never misused the

concession of bail/ suspension of sentence granted to him and the petitioner is not involved in any other case and the matter has been compromised and with respect to the said aspect, affidavits have been given by Geeta, widow of deceased as well as Sanjay Bajaj, who is the complainant (Mark A) in the present case and both the said persons have specifically stated that they have no objection in case the petitioner is acquitted in the present case, even learned counsel appearing on behalf of said two persons, has reiterated the said fact and also the fact that the petitioner has two minor children and he is the sole bread winner of his family, it is ordered that the sentence awarded to the petitioner, be reduced to the period already undergone by him.

Accordingly, the present petition is disposed of in the above said terms.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

July 14, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No