

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRIMINAL REVISION NO.831 OF 1992

DATE OF DECISION: FEBRUARY 28, 2007

Dharamvir Singh

.....Petitioner

VERSUS

The State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. R. K. Gupta, Advocate,
for the petitioner.

Mr. Vikas Chaudhary, AAG, Haryana.

RANJIT SINGH, J.

Petitioner, a truck driver, is accused of an offence under Sections 279, 304A, 337 and 427 IPC on account of accident on 22.4.1987 which took place between the truck driven by him and a tractor. Mehar Singh, Ishwar Singh and Ram Rajit were proceeding on 3 tractors one after the other, on road to Jind to village Pokhri Kheri on Hansi Road. They were proceeding on Hansi Road, when a speeding truck bearing No.RJV-4513, driven by the petitioner,

came and hit one of the tractor. The truck driver did not blow horn and struck against the tractor while driving the same in a rash and negligent manner. The truck hit the tractor being driven by Ishwar where one Rohtas was sitting with him. Both received injuries and were shifted to hospital. Ishwar succumbed to his injuries. After the accident, the truck had gone off the road and had come to a halt after hitting the eucalyptus tree. The petitioner ran from the spot leaving the truck there only. The truck and tractor were subjected to mechanical inspection and the report in this regard was produced on record by the prosecution. Based on the allegations, the petitioner was prosecuted and was convicted. He was sentenced to suffer RI for one year for an offence under Section 304-A; RI for four months for an offence under Section 337 and RI for two months for an offence under Section 279 IPC. All the offences were directed to run concurrently. The petitioner filed an appeal against the judgment and order dated 15/21.2.1992 which was also dismissed vide judgment dated 3.12.1992. Thereafter he filed the present revision.

Pleading that the incident was so old and the fact that the petitioner had suffered this protracted trial and prolonged agony, the counsel did not raise much arguments on merits of the case. He, initially, did attempt to show that this may be a case where the accident was due to bursting of a tyre of the truck. No doubt, it was found by PW5 Matu Ram, who had carried out the mechanical inspection of both the vehicles, that one of the front tyres of the truck was found burst, yet the photographs produced on record clearly indicate that the said bursting of tyre was due to the accident and impact either with the tractor or being struck with eucalyptus tree.

This fact can be discerned from the manner in which the front tyre is seen dislocated. It can not be a case of tyre burst. Counsel for the petitioner thereafter pleaded for mercy on the ground that the petitioner had suffered enough in this case and prayed that the petitioner be released on probation. Reference is made to **Saheg Singh Vs. State of Haryana**, 2006 (1) RCR (Criminal) 735 and **Bachittar Singh Vs. State of Punjab**, 2004 (1) RCR (Criminal) where this Court ordered the release of the accused on probation, by considering pendency of the case for a prolonged period.

It cannot be denied that this incident is rather old. The petitioner would suffer the consequences of the sentence, which has been awarded to him due to an incident, which is about 20 years old. I see reason and justification in the prayer made by the counsel that if the petitioner is asked to undergo sentence now, it may affect the petitioner and his family. The petitioner appears to have suffered enough because sentence must be weighing in his mind for all these years. Nothing has been pointed out before me by the learned State counsel, which could stand in the way of the petitioner for grant of his release on probation.

Taking all these aspects into consideration, I am of the view that the submission made by the counsel for the petitioner would need acceptance. Accordingly, while disposing of this petition, I am inclined to direct that the petitioner be released on probation for a good conduct instead of sentencing him and he be directed to enter into a bond with one surety to appear and receive the sentence when called upon during the period of one year for the purpose in question. The bond for this period shall be executed before the Chief

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Judicial Magistrate, Jind, within one month of this order.

The present revision petition is accordingly disposed of.

**February 28, 2007
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**(RANJIT SINGH)
JUDGE**