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from back side and also struck with the divider on right side. The complainant noticed the number of the bus i.e. HR-23-T6501 and came to know the name of the driver as Ashok Kumar son of Balwan. Thereafter, the injured was taken to civil hospital in a police vehicle where the doctor declared the Conductor, namely, Manoj Kumar, as dead, and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the charges have been framed against the petitioner under Sections 279/304-A/337/427 of IPC and he has been convicted and sentenced to undergo imprisonment for 02 years under Section 304-A of IPC and six months' imprisonment under Sections 279/337 of IPC. Thereafter, the petitioner approached the learned Sessions Court, Ropar by way of filing of an appeal which is still pending for adjudication. He further submits that due to the intervention of the respectables of society, the petitioner and respondents No.2 & 3 have amicably settled the dispute and reduced the statement into writing which was duly signed by respondents No.2 & 3.

Having heard learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that the prosecution has examined PW-10-Geeta Hazarika, who was the passenger of the offending bus and sustained injuries in this accident. During her examination-in-chief, she has specifically stated that the passengers in the bus warned the driver many times to drive the vehicle safely as he was sleeping in between and he continued over speeding at 100 kilometres while it was raining. She further deposed that one truck was standing still on the highway and the driver of the offending bus hit his bus into the truck and as a result of this accident, she received injuries on head and ankle of her leg was also broken and during the

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accident the conductor of the bus had died on the spot. Although, a lengthy cross-examination was conducted but failed to put any dent on the version of PW-10-Geeta Hazarika who specifically identified the accused/petitioner as driver of the bus.

Further, the factual ingredients to invoke the offence under Section 304-A of IPC are available on record and the Division Bench of this Court in its judgment of passed in 'Baldev Singh Vs. State of Punjab and another' 2016 (3) Law Herald 2020, had categorically held that proceedings under Section 304-A of IPC solely on the basis of a settlement between the parties cannot be quashed and thus, in view of the judgment rendered by the Division Bench of this Court, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

21.05.2025*Neha*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No