



CRR-641-2012 (O&M)

-1-

237

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

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**CRR-641-2012 (O&M)
Date of Decision : 13.05.2026**

Raj Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Ajay K. Yadav, Advocate for the petitioner.

Mr. S.S.Nahar, AAG Punjab.

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H.S.GREWAL J. (Oral)

1. The present revision petition has been filed against the judgment of conviction and order of sentence dated 03.03.2011, whereby the learned Sub Divisional Judicial Magistrate, Malerkotla, convicted the petitioner for the offences punishable under Sections 279/304-A/337 IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days. The petitioner has further challenged the judgment dated 16.02.2012, whereby the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 03.03.2011 has been dismissed by the learned Sessions Judge, Sangrur.

2. Brief facts of the case are that on 09.11.2006 Ajit Singh son of Daljeet Singh, resident of Bhasaur suffered a statement with the police to the effect that on 08.11.2006, his son Gurwinder Singh and his friend Baljeet Singh son of Jarnail Singh resident of Bhasaur was going on motor-cycle make Hero Handa CD Dawn

**CRR-641-2012 (O&M)****-2-**

bearing registration No.PB-13Q-2135-owned by his elder son Amritpal Singh, which was being driven by his son Gurwinder Singh. He (complainant) and Bhupinder Singh son of Gurdev Singh resident of Bhasaur were going on motor-cycle make CT Bajaj bearing registration No.PB-28C-0757 owned by his son Gurwinder Singh. They all were going to the DMC, Ludhiana to inquire about the health of Bhan Singh, their relative. At about 8:00 PM when they reached near the office of Libra Bus Service, his son Gurwinder Singh and Baljeet Singh were going on their motor cycle 50 yards ahead of them. They were on their side of the road. One oil tanker bearing registration No.HR-46-5932 was driven back by its driver without the help of any cleaner/conductor, without giving lights and without giving any signal, in a rash and negligent manner, struck against the motor cycle driven by his son Gurwinder Singh. Gurwinder Singh and Baljeet Singh alongwith motor cycle fell down on the ground. On account of accident, Gurwinder Singh and Baljeet Singh suffered injuries and motor cycle was also damaged. He (complainant) and Bhupinder Singh got admitted Gurwinder Singh and Baljeet Singh at Civil Hospital, Malerkotla, where Gurwinder Singh died. Due to being suffered with many injuries, Baljeet Singh was referred to Rajindra Hospital, Patiala. They took Baljeet Singh to Arora Neuro Centre, Patiala. Lateron, they came to know about the name and address of the driver as Raj Kumar son of Parbhu Ram, resident of Ram Nagar colony, House No. 34, Nazabgarh, Road, New Delhi. On receiving this narration of the incident, police swung into action by lodging the FIR under reference and launched its investigation, upon completion whereof, challan against the accused was presented in the court.

3. At this stage, learned counsel for the petitioner states that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua



CRR-641-2012 (O&M)

-3-

modification of the order of sentence to the period already undergone as the petitioner has been suffering the agony of trial since 2006. He also submits that without referring to the merits of the case, he prays for reduction of sentence while taking a lenient view on the ground that the petitioner is above 80 years of age and he has already undergone sentence of more than 05 months and 25 days out of the total sentence of 2 years.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate of petitioner dated 12.05.2026 on the ground that the learned Courts below have passed well-reasoned judgments after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it.

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

6. The FIR in the present case pertains to the year 2006 and since then the petitioner is facing trial. At the time of conviction, he was 68 years of age, therefore, at present he must be above 80 years. As per custody certificate filed by the learned State counsel, the petitioner has undergone total sentence of 05 months and 25 days including remissions out of the substantive sentence awarded to him.

7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not

**CRR-641-2012 (O&M)**

-4-

to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judges Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2006. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. Petitioner has already suffered the agony of protracted trial, spanning over a period of more than 20 years and have been in the corridors of the Court for this prolonged period. In view of the facts noted above, the case of petitioner deserves to be dealt with leniency. Petitioner also



CRR-641-2012 (O&M)

-5-

deserves the benefit of the consistent view taken by this Court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pereira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this Court is of the view that ends of justice would be met, if sentence imposed upon petitioner is reduced to the period as already undergone by him.

11. Accordingly, the judgments passed by the learned Appellate Court as well as the learned Sub Division Judicial Magistrate, Malerkotla are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Sections 279/304-A/337 IPC has been modified and reduced to the period of sentence as already undergone by him. Petitioner is on bail. He need not surrender. His bail bonds are discharged.

12. With these modifications, the present revision petition is disposed of.

13. Pending application(s), if any, shall also stand disposed.

May 13, 2026

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(H.S.GREWAL)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No