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

**CRR-1856-2012 (O&M)
Date of Decision: 30.07.2024**

SANDEEP KUMAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Karan Singh, Advocate and
Ms. Kajal, Advocate for the petitioner and
Mr. Akshay Jain, Legal Aid Counsel
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been preferred against the judgment dated 13.06.2012 passed by the Additional Sessions Judge, Panchkula, vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 25.01.2011 passed by Addl. Chief Judicial Magistrate Panchkula, has been dismissed.

2. The brief facts of the case are that the FIR came to be registered on the statement of PW1-Gurunandan son of Ganpati who stated that on 11.06.2005 the petitioner had been driving a scooter bearing Registration No.HR-03-E-8240 in a rash and negligent manner and at a very high speed and had caused an accident with Selamuttu who had suffered injuries and subsequently succumbed to them on 20.06.2005.

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3. Pursuant to the conclusion of the investigation, the report under Section 173 Cr.P.C. was submitted against the petitioner.

4. In order to substantiate its case, the prosecution examined Gurunandan son of Ganpati as PW1, Avdesh Kumar, Mechanic as PW2, ASI Mahender Singh as PW3, Dr. Sandeep, Assistant Professor, PGI as PW4, Subhash Chander son of S.R. Sharma as PW5 and Ct. Jarnail Singh as PW6. Thereafter, the evidence of the prosecution was closed by the Court vide order dated 12.01.2011.

5. The statement of accused under Section 313 Cr.P.C. was recorded in which he denied all the prosecution allegations and pleaded his false implication. However, he did not lead any oral or documentary evidence in his defence and closed the same vide his statement dated 20.01.2011.

6. Based on the evidence led, the petitioner came to be convicted and sentenced by the Court of Addl. Chief Judicial Magistrate, Panchkula vide judgment dated 25.01.2011 as under:-

Sr. No.	Under Sections	Sentence	Fine	In default
1.	279 IPC	--	Rs.1000/-	15 days imprisonment
2.	304-A IPC	RI for 01 year	--	--

Both the sentences were ordered to run concurrently.

7. The petitioner preferred an appeal before the Court of Additional Sessions Judge, Panchkula and the said appeal came to be dismissed by the



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Court of Additional Sessions Judge, Panchkula vide judgment dated 13.06.2012.

8. The aforementioned judgments are under challenge in the present petition.

9. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The judgments of conviction based on conjectures and surmises. No test identification parade had been held. The postmortem report had not been proved as per law. There was a considerable delay in the registration of the FIR which was fatal to the prosecution case. He, therefore contends that the impugned judgments of conviction were liable to be set aside.

10. On the other hand, the learned State counsel contends that the offence stands established beyond reasonable doubt. The discrepancies pointed out were minor in nature and did not affect the substratum of the case. The medical evidence was totally in consonance with the ocular account. The report of the mechanic corroborated the prosecution version regarding the accident having been taken place. The petitioner was apprehended at the spot and therefore, there was hardly any requirement for a test identification parade. He, therefore contends that the present petition was liable to be dismissed.

11. I have heard the learned counsel for the parties.

12. A perusal of the record would reveal that the offence stands established beyond reasonable doubt. The deposition of the complainant-



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Gurunandan as PW1 leaves no manner of doubt about the presence of the accused at the spot and the manner in which the occurrence took place. The medical evidence is totally in consonance with the ocular account and establishes beyond doubt that the deceased had succumbed to his injury on account of an accident. PW2-Avdesb Kumar, Mechanic gave his report as Ex.PB as per which the scooter showed evidence of being involved in an accident. Therefore, it is established beyond doubt that the petitioner was driving the offending scooter in a rash and negligent manner causing the accident and the consequential death of the deceased.

13. In view of the aforementioned discussion, I find no reason to interfere with the well-reasoned judgments of the Trial Court dated 25.01.2011 as well as the Lower Appellate Court dated 13.06.2012. Therefore, the present petition stands dismissed.

14. As regards the imposition of sentence, this Court in the case of **Gurmukh Singh Versus State of Punjab, CRR-2168-2014, decided on 13.12.2023**, held as under:-

“21. Thus two parallel threads are :

(a) Courts should normally avoid showing undue sympathy to the accused by imposing inadequate sentence as the same is harmful to the justice system; and

(b) The Supreme Court has repeatedly considered the fact that ordeal of facing pangs of prolonged trial needs to be considered while deciding adequacy of sentence in the matters pertaining to offence punishable under Section 304-A IPC. Where the accused has faced the prolonged trial running into more than a decade before it is finally



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concluded by the High Court or the Supreme Court and both the Courts found that the victim needs to be compensated adequately, the time spent in the lis by an accused and compensation to the victim can form relevant considerations for reduction in sentence.

22. In the present case the present revision is pending consideration for last nine years. FIR relates to the year 2007. The petitioner was granted suspension of sentence on 27.10.2014 after he expressed his readiness to compensate the victim by paying Rs.1.00 lac. The aforesaid amount stands paid. The question is, having paid compensation as per the orders of this Court 9 years back, should the petitioner be asked to go back behind bars? It is in these mitigating circumstances that this Court finds it appropriate to follow the orders passed by Apex Court in K. Jagdish's case (supra) as the facts in the present case are almost similar to those before the Apex Court. I may hastenly add here that the petitioner is claimed to have paid compensation and neither the State nor the victim has agitated against the order passed by this court asking the petitioner to deposit compensation and granting him suspension of sentence.

23. The petitioner is a first time offender and has no past criminal record or antecedents. He is not reported to have ever misused concession of bail/suspension of sentence. He has undergone about 6 months out of substantive sentence of 1 year and has already faced protracted trial for last 16 years.

24. Taking into consideration all these facts cumulatively, the substantive sentence of 1 year awarded to the petitioner by the Courts below is reduced to the period already undergone by him.

(emphasis supplied)



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15. In the instant case, the FIR pertains to the year 2005. The petitioner who is of the age of about 50 years has undergone 01 months and 16 days of his substantive sentence of 01 year. He is ready and willing to compensate the LRs of the deceased-Selamuttu. Therefore, while upholding the conviction, I deem it appropriate to reduce the sentence of the petitioner as under:-

Sr. No.	Under Sections	Sentence	Fine	In default of payment of fine
1.	279 IPC	RI for 01 month and 16 days (actual period of custody undergone by the petitioner)	Rs.1000/-	15 days imprisonment
2.	304-A IPC	RI for 01 month and 16 days (actual period of custody undergone by the petitioner)	Rs.2,00,000/-	RI 01 Year

16. The amount of fine of Rs.2,00,000/- to be paid by the petitioner shall be disbursed to the LRs of the deceased as compensation.

(JASJIT SINGH BEDI)
JUDGE

30.07.2024

JITESH

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