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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-739-2023 (O & M)
Date of decision: 13.02.2025

PARAMPREET SINGH @ SUNNY AND ANOTHER
...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K.S. Phoolka, Advocate and
Ms. Sarman Preet Kaur, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 01.02.2023 passed by learned Sessions Judge, Bathinda, vide which, judgment of conviction and order on quantum of sentence dated 06.11.2019 passed by learned Chief Judicial Magistrate, Bathinda in case bearing FIR No.8 dated 15.01.2016 registered under sections 304-A, 279, 337, 338, 427 IPC have been upheld.
2. The petitioners were sentenced as under:

Petitioner(s) Name	Offence under Section(s)	Sentence
Parampreet Singh	304-A IPC	RI for 01 year with a fine of Rs.5000/-, in default of payment of fine, to undergo RI for one month.
	279 IPC	RI for 06 months
Hardeep Singh	304-A IPC	RI for 01 year with a fine of Rs.5000/-, in default of payment of fine, to undergo RI for one month.
	279 IPC	RI for 06 months
It was ordered that both the sentences shall run concurrently.		



3. Brief facts of the present case are that on 15.01.2016, at about 11:20 AM, the police party was travelling from District Courts, Bathinda towards Police Lines and Constable Lal Singh was going on his motorcycle bearing No.PB-03U-6087, then a bus bearing No.PB-13X-9037 belonging to Libra company was driven at a high speed, gave a sharp cut and hit the motorcycle. Lal Singh fell down. One truck bearing No.PB-19F-3845 also came at high speed and rolled over Lal Singh and motor-cycle. Truck driver fled with the truck. The police party followed him and stopped him near grain market. Inquiry was conducted and name of truck driver came to be Parampreet (petitioner No.1 herein) r/o Goniana and the name of bus driver was Hardeep Singh (petitioner No.2 herein). With the help of PCR and Sahara people, Lal Singh was taken to civil hospital, where he died. Hence the FIR (*supra*) was registered.

4. The petitioners were convicted and sentenced vide judgment and order of sentence dated 06.11.2019 passed by learned trial Court, which have also been upheld by learned lower Appellate Court vide judgment dated 01.02.2023.

5. Learned counsel for the petitioners contends that the petitioners have been convicted by learned trial Court and sentenced to undergo a period of rigorous imprisonment for a period of one year along with default mechanism. Learned counsel submits that he is not assailing the impugned judgment of conviction dated 01.02.2023 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. He submits that the petitioner No.1 has undergone a total period of 08 months and 05 days and petitioner No.2 has undergone a total period of 07 months and 20 days, including remission and



custody after conviction and both of them are not involved in any other case.

6. *Per contra*, learned State counsel opposes the prayer of the petitioners on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, they do not deserve any leniency.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. In ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined 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, 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 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. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. State of AP AIR 2017 SC 1166***, has reiterated 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 the 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. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

10. The FIR in the present case was registered on 15.01.2016 and the petitioners have been suffering the agony of protracted trial for the last 09 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates, they are not involved in any other case and have undergone a total custody period of more than 07 months, including remission, out of total sentence of one year, in the instant case.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by him.

12. Consequently, the present petition is disposed of in the following terms:

- (i) The judgment dated 01.02.2023 passed by the learned Sessions Judge, Bathinda, affirming the judgment of conviction is upheld, however, the order of sentence dated 06.11.2019 is modified to the extent that the sentence of rigorous imprisonment for one year along with default mechanism awarded to the



petitioners is reduced to the period of sentence already undergone by them.

(ii) Fine of Rs.5,000/- each imposed upon the petitioners is enhanced to Rs.15,000/- each. The petitioners are directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioners shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month. Fine amount already deposited, if any, be adjusted.

February 13, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |