

**CRR-1425-2008****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****204****CRR-1425-2008****Date of Decision: 29.10.2025****BALJEET****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.  
Mr. Sunny Namdev, AAG, Haryana

**H.S. Grewal, J.(Oral)**

1. This revision petition has been filed against the judgment dated 08.05.2008 passed by Id. Additional Sessions Judge (FTC), Bhiwani vide which the judgment of conviction dated 08.12.2007 and order of sentence dated 11.12.2007 passed by Id. Addl. Chief Judicial Magistrate, Bhiwani has been upheld whereby the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months under Section 279 of the IPC and for a period of two years under Section 304-A of the IPC. However, it was ordered that both the sentences shall run concurrently.

2 As per the prosecution, on 11.07.2001, complainant Pawan Kumar, son of Bir Singh, aged about 18 years and resident of village Bidola, stated that he was a student of 10+2 class. On that day, in the morning, he along with Raj Kumar (son of Om Singh) was proceeding towards Tosham on a scooter belonging to Anil Kumar (son of Jang Singh), which was being driven by Anil himself. When they reached in front of the Hanuman Temple, a jeep bearing registration No. HR 20D-3812, driven rashly, negligently, and at a high speed by its driver, came from the Tosham side and collided head-on with their scooter, dragging them along with the scooter to the *kacha berni* of the road. The driver of the jeep was later identified as Baljeet Jat, resident of Miran. Both vehicles remained at the spot after the accident. Due to the said rash and negligent driving, the accident

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occurred at around 8:00 A.M., causing serious injuries to the complainant and others. Thereafter, they were taken to Jindal Hospital, Hisar in another jeep, where Anil succumbed to the injuries sustained in the accident. On the basis of the statement of the complainant, an FIR was registered for the offences punishable under Sections 279, 337, and 304-A IPC,

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner has undergone custody for a period of 09 months and 19 days out of the awarded sentence of 02 years. He prays that since FIR in question pertains to the year 2001, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which are taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record.

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 2001 and he has already faced the rigors of the trial for more than 24 years.

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 petitioner,

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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.

8. Further, a Division 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 Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the 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 2001. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 24 years and have been in the corridors of the court for this prolonged period. In view of the facts



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noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also 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 Bangal 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 they 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 the petitioner is reduced to the period as already undergone by them.

11. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Addl. Chief Judicial Magistrate, Bhiwani are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Sections 279 and 304-A of IPC have been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the petitioner is directed to pay a sum of Rs. 10,000/- as compensation to the LR's of the deceased within a period of two months. In case of non-deposit of compensation awarded within the stipulated period the trial court is directed to initiate the proceedings to recover the same from the petitioner in accordance with law.

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

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

29.10.2025

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(H.S.GREWAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No