

2025:PHHC:022608



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-2225-2008(O&M)

Date of Decision:-17.02.2025

Gurjant Singh @ Janta Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harinder Sharma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 25.09.2008 passed by Additional Sessions Judge (Fast Track Court), Bathinda whereby the appeal filed against the judgment of conviction and order of sentence dated 09.07.2007 passed by Judicial Magistrate Ist Class, Bathinda has been dismissed.

2. The FIR in the present case came to be registered on 02.09.2000. The judgment of conviction was passed on 09.07.2007 by the Judicial Magistrate Ist Class, Bathinda. The Appeal filed against the order of conviction was dismissed on 25.09.2008 by the Additional Sessions Judge (Fast Track Court), Bathinda. The instant revision petition was filed on 23.10.2008 and has come up for final hearing now i.e. after a period of 24 years from the date of registration of the FIR.

3. Brief facts of the prosecution case are that on 2.9.2000 on receipt of a wireless message from Bathinda regarding admission of the dead body of C.Balkar Singh 513 in Civil Hospital, Bathinda, SI Hardev Singh along with other police officials reached Civil Hospital, Bathinda. There he recorded the statement of ASI Gurdial Singh to the effect that he was posted in police lines, Bathinda on general duty. That day he was deputed for VIP pilot duty. He along with C.Gurbachan Singh 510 and C.Balkar Singh 513 on a Govt. Gypsy bearing no.PB-08F-1265 driver of which was C.Sukhmander Singh 201 were going from Bathinda to Maluka. When their Gypsy reached near the bus stand of village Jeeda, one oil tanker bearing no.PB-04-2623 came from the side of Bajakhana in a rash and negligent manner and at a high speed and dashed into their Gypsy due to which C.Balkar Singh received injuries on his head and arm and C.Gurbachan Singh also sustained injuries. The tanker also went out of control and struck against a rickshaw standing there. On asking, the driver disclosed his name as Janta Singh resident of Sadda Singh wala and also disclosed the name of the owner of the tanker as Jabarjang Singh of Bhagat Filling Station, Bal Kalan. Then, they got busy in taking care of C.Balkar Singh and the driver taking a chance ran away from the spot. They took C.Balkar Singh to Civil Hospital, Bathinda where he died. In this accident, the Gypsy also got damaged.

4. After recording the statement of complainant, it was endorsed by SI Hardev Singh and the statement was sent to police station through PHG Baldev Singh for registration of the case u/s 304A/427/279/337 IPC against the accused. On the identification of C.Shingara Singh and C.Sukhmander Singh, inquest report of the dead body of C.Balkar Singh was prepared and the dead body was sent for post mortem and a report was

received. Then, SI himself along with police officials, proceeded towards the spot where HC Sukhdarshan Singh was present. Photographs of the place of occurrence were taken. From the spot, the oil tanker, rickshaw, one turban of blue colour, one leather belt and identity card were recovered from the Gypsy and were taken into police possession. Site plan was prepared. Statements of witnesses were recorded. Case property was deposited with MHC. On 5.9.2000 a mechanical test report of the tanker was obtained. On 6.9.2000, the accused was arrested. On 7.9.2000 the Gypsy was got mechanically tested from PRTC Depot. After completion of all the necessary formalities the challan was presented to the court.

5. Finding a prima facie case charges u/s 304A/279/337 IPC were framed against the accused to which he pleaded not guilty and claimed trial.

6. To prove it's case the prosecution examined PW I C.Sandip Kumar, PW 2 HC Sukhdarshan Singh, PW 3 C. Sukhmander Singh 201, PW 4 ASI Gurdial Singh, PW 5 Daler Singh, PW 6 Ashwani Kumar, PW 7 Dr. I.B.Aggarwal, PW 8 Dr. Jagjit Singh PW 9 Hardev Singh, PW 10 C-1 Jagsir Singh. PW11 Sukha Singh and PW 12 Major Singh. Thereafter, the APP closed the prosecution evidence.

7. After closure of prosecution evidence, the statement of the accused u/s 313 Cr.P.C. was recorded, wherein he denied all the incriminating material put to him. He pleaded false implication and further submitted that he was not driving canter no.PB-04-2623. He opted to lead defence evidence, but closed the same without examining any witness in defence.

8. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Judicial Magistrate Ist Class,

Bathinda vide judgment and order of sentence dated 09.07.2007 as under:-

Offence Section	under	Sentence	Fine	RI/SI in default of payment of fine
304-A IPC		01 Year	Rs.500/-	SI for 01 Month
279 IPC		06 Months	-	-
337 IPC		06 Months	-	-

All the aforesaid sentences were ordered to run concurrently.

9. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Bathinda vide judgment dated 25.09.2008.

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

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 02.12.2008.

12. The learned counsel for the petitioner contends that he does not wish to challenge the conviction of the petitioner but prays that keeping in view the fact that the occurrence was of the year 2000 and the case had come up for final hearing now after a gap of 24 years, the accused/petitioner may be released on probation or his sentence be reduced to the period already undergone by him subject to payment of compensation.

13. The Counsel for the State on the other hand has filed a custody certificate of the accused/petitioner dated 16.02.2025 in the Court today, which is taken on record. He contends that the nature of allegations leveled against the petitioner did not entitle him to any sympathy and therefore, the present petition is liable to be dismissed.

14. I have heard learned Counsel for the parties and examined the record.

15. The rash and negligent driving on the part of the accused stands

established beyond reasonable doubt. His identity also stands duly established. The medical evidence shows that the deceased suffered injuries in an accident and died. Therefore, I have no hesitation in holding that the Trial Court and the lower Appellate Court came to the right conclusion by convicting the accused. Thus, the present petition stands dismissed.

16. As regards the imposition of sentence, it may be pointed out that this Court in **Gurmukh Singh Vs. State of Punjab CRR No.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 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 afore said 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.*
- 25. *Petition is disposed off, accordingly.”*

17. Admittedly, the occurrence pertains to the year 2000 and as many as 24 years have passed ever since then. A perusal of the custody certificate of the accused/petitioner would show that he does not have any criminal antecedents and is a first time offender. Therefore, subject to the payment of the fine as imposed and payment of Rs.1 Lac as compensation to be paid to the legal heirs of the deceased, the sentence of the accused/petitioner is reduced to the period already undergone by him i.e. 02 months and 09 days.

18. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

February 17, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>