

2025.PHHC.063071



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

CRR-2507-2008(O&M)

Date of Decision:-13.05.2025

Jagsir Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. R.V.S. Chugh, 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 18.09.2008 passed by Sessions Judge, Mansa whereby the appeal filed against the judgment of conviction and order of sentence dated 28.11.2006 passed by Judicial Magistrate Ist Class, Mansa has been dismissed.

2. The FIR in the present case came to be registered on 08.03.2001. The judgment of conviction was passed on 28.11.2006 by the Judicial Magistrate Ist Class, Mansa. The Appeal filed against the order of conviction was dismissed on 18.09.2008 by the Sessions Judge, Mansa. The instant revision petition was filed on 25.11.2008 and has come up for final hearing now i.e. after a period of more than 25 years from the date of registration of the FIR.

3. FIR bearing no. 23 dated 8.3.2001 U/Ss 304-A/279/337 IPC

was registered against the accused on the statement of Surinder Kumar @ Shindri s/o Puran Chand, resident of Ward No.2, Petrol Pump, Bhikhi, who got recorded his statement with the police that they were five brothers. Rachhpal Singh, his younger brother was a driver with Octroi Contractor Makhan Lal & Co., Bhikhi. He was driver of jeep bearing No. DL-4CC-5896. On 7.9.2001 at about 9.00 P.M., the complainant, Avtar Singh s/o Piara Singh, resident of Samaun, Balwinder Singh s/o Mithu Singh, resident of Bhikhi and Rachhpal Singh were going from Budhlada to Mansa in a jeep which was being driven by Rachhpal Singh. When they reached near the Petrol pump of Madan Lal and were going on their side, a truck bearing no. PJB-2223, which was being driven by Jagsir Singh s/o Bhura Singh, S.C, resident of Kishangarh Pharwabi at a very high speed and in a negligent manner, struck the jeep. The complainant, Avtar Singh and Balwinder Singh succeeded in jumping while Rachhpal Singh got multiple injuries on his person. Avtar Singh and Balwinder Singh also received some injuries. They arranged for a vehicle and he was taking Rachhpal Singh to Rajindra Hospital, Patiala, but on the way, he, succumbed to the injuries near Sunam. Therefore, they took the dead body of his brother to their house and informed the police.

4. After registration of the FIR, the investigation was conducted. The vehicles involved in the accident were taken into police possession. The vehicles were got mechanically examined. The accused was arrested. The statement of the witnesses were recorded. After completion of all other necessary formalities, the challan was prepared and presented in the Court.

5. Finding a prima-facie case, the accused was charge-sheeted under section 279/337/304-A IPC, to which he pleaded not guilty and claimed trial.

6. In order to prove its case, the Prosecution examined PW-1 Surinder Pal s/o Puran Chand, PW-2 Avtar Singh S/o Piara Singh, PW-3 Ashok Kumar s/o Bhagwan Singh, PW-4 Sukhwinder Sharma S/o Om Parkash, PW-5 Dr.Naresh Bansal, PW-6 Balwinder Singh s/o Mithu Singh, PW7 Dr Dupinder Kumar, PW-8 Inder Pal Singh, PW-9 SI Harbhajan Singh, the investigation officer and PW-10 Jagsir Singh, Clerk, DTO officer, Mansa.

7. The statement of the accused was recorded U/S 313 Cr.P.C., wherein he denied the incriminating material put to him and pleaded that he was innocent and he had not committed the offence as he was not driver of the said truck. A false case had been registered against him.

8. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Mansa vide judgment and order of sentence dated 26.09.2008 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 279 IPC	RI for 03 Months	-	-
Section 337 IPC	RI for 03 Months	Rs.200/-	SI for 01 Month
Section 304-A IPC	RI for 01 Year	Rs.500/-	SI for 01 Month

9. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Sessions Judge, Mansa, vide judgment dated 18.09.2008.

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

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 26.11.2008.

12. The Counsel for the accused/petitioner contends that the prosecution has not been able to prove the rash and negligent driving on the

part of the accused. As per the prosecution case, the complainant and other persons had jumped from the jeep but yet no injuries were received on their person which makes the prosecution case doubtful. Though the vehicles involved in the accident were examined by the mechanic on different dates, however, the statement of the mechanic has been recorded only once. Pawan Kumar an alleged eye witness has not been examined as a prosecution witness. He thus contends that the impugned judgments are liable to be set aside and the accused be acquitted of the charges framed against him. In addition, he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 2001 and the case had come up for final hearing now after a gap of more than 25 years, the accused 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 placed on record the custody certificate dated 12.05.2025. He contends that the prosecution witnesses are clear and consistent in material particulars as to how the occurrence took place. No enmity of the said prosecution witnesses has been established with the accused, and therefore, there is no question of his false implication. He thus contends that no fault can be found with the impugned judgments and the present revision petition is liable to be dismissed.

14. I have heard counsel for the parties.

15. The factum of the accident is duly proved by PW-1 Surinder Pal, the complainant as well as PW-2 Avtar Singh s/o Piara Singh & PW-6 Balwinder Singh. These witnesses have deposed on oath that on 7.3.2001 at about 9.00 p.m they were going in the jeep, which was being driven by

Rachhpal Singh. They had reached near Badkhanawala Petrol pump, when a truck bearing no. PJB-2223 driven by the accused in rash and negligent manner struck their jeep, as a result of which received injuries on their person Rachhpal Singh got multiple injuries on his head, both legs and both the arms. Rachhpal Singh was being taken to Patiala, but he succumbed to the injuries near Sunam. His dead body was taken to the house and thereafter, the matter was reported to the police. PW-1 has also proved on record his statement got recorded with the police as Ex. PA. PW-2 Avtar Singh and PW-6 deposed on similar lines with regard to the time, place and vehicles and the manner in which the accused was driving the truck at the time of accident. He has also deposed that due to accident, Rachhpal Singh suffered injuries on his head and he was being taken to Patiala, but died on the way due to injuries. He alongwith Balwinder Singh was got admitted to Civil Hospital, Mansa. As per the prosecution case, the truck was coming from the opposite side and struck into the jeep when they were going towards Bhikhi.

16. The mechanical reports produced by the prosecution, which are proved by PW-8 Inderpal Singh as PW-8/A and Ex. PW-8/B showed that the front side of both the vehicles were damaged. From the site plan prepared by the Investigating officer, it is proved that the truck involved in the accident was not coming on its side and it was on the wrong side.

17. The opinion with regard to cause of death in the present case was due to shock and haemorrhage due to injuries described, which were sufficient to cause death in the ordinary course of nature. Therefore, there remains no doubt that the cause of death of the deceased Rachhpal Singh was the injuries sustained by him in the accident. The doctor while appearing as prosecution witness has duly deposed on oath that on 8.3.2001,

he conducted post mortem on the dead body of Rachhpal Singh. He has proved on file his report Ex. PW-5/A and pictorial diagram Ex. PW-5/B.

18. The identity of the accused is also established because the complainant identified the accused as driver of the truck bearing no. PJB-2223. He was also identified by PW-2 Avtar Singh an eye witnesses and PW-6 Balwinder Singh, another eye witness. The accused has not produced any evidence that at the relevant time he was not driving the truck and was present somewhere else. Therefore, in such circumstances, it cannot be presumed that he was not the driver of the truck.

19. PW-9 Harbhajan Singh, the Investigating Officer has also proved on record the formal FIR EX. PW-A/1, the recovery memo of RC of jeep Ex. PW-A/5, site plan Ex. PW-A/3 and Ex. PW-A/4. The evidence led by the prosecution is cogent and convincing evidence and there remains no doubt that on 7.3.2001 at about 9.00 P.M. the accused in a rash and negligent manner drove the truck bearing No. PBJ-2223 on a public way and caused the death of Rachhpal Singh and simple injures to Avtar Singh and Balwinder Singh. MLRs of Avtar Singh and Balwinder Singh were also proved on file as Ex. PW-7/A and Ex. PW-7/C respectively. The injuries on the person of Avtar Singh and Balwinder Singh were opined to be simple.

20. In view of the above discussion, I find no merit in the petition and the same stands dismissed.

21. 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.”*

22. Admittedly, the occurrence pertains to the year 2001 and more than 25 years have passed ever since then. A perusal of the custody certificate of the accused/petitioner would show that there is no other case of similar nature. 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 13 days.

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

(JASJIT SINGH BEDI)
JUDGE

May 13, 2025
Vinay

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