



204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-5-2008 (O&M)
Date of decision: 22.08.2025

RAVINDER SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. M.K. Singla, Advocate with
Ms. Shikha Singla, Advocate
Mr. Parminder Singla, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL J. (Oral)

1. The present revision petition has been filed against judgment of conviction and order of sentence dated 16.12.2005 passed by learned Chief Judicial Magistrate, Sangrur in FIR No.390 of 18.11.2001 under Sections 279, 304-A, 337 of IPC registered at Police Station Kotwali, whereby the petitioner has been convicted and sentenced as under:

Name Accused	of	Section	Sentence
Ravinder Singh		304-A IPC	Rigorous imprisonment for two years alongwith fine of Rs.1000/- and in default of fine to undergo four months rigorous imprisonment.
		279 IPC	Rigorous imprisonment for six months with fine of Rs.500/- and in default of payment of fine to undergo one month rigorous imprisonment.
		337 IPC	Rigorous imprisonment for six months with fine of Rs.500/- and in default of payment of fine to undergo one month rigorous imprisonment.



2. Thereafter, the judgment of conviction and order of sentence dated 16.12.2005 passed by learned Chief Judicial Magistrate, Sangrur was upheld by the Appellate Court vide its judgment dated 04.12.2007.

3. The case of the prosecution is that on 17.11.2001, Darbara Singh (the complainant) alongwith his brother Tara Singh, sister in law and minor niece proceeded to village Balwan on separate scooters for collecting money from various relatives as they have leased out their land. In evening, his brother Tara Singh came on one Bajaj Chetak scooter bearing registration No. PB28A-4766 while complainant and rest of the family followed him and the complainant was ahead of Tara Singh. While crossing through Sangrur at 5.45 PM, they reached near Radha Swami Satsang Bhawan on main road i. e. Sangrur Malerkotla road, then one tractor make Eicher whose front tyre was already punctured came from Dhuri side in a haphazard motion. The name of driver was later on known as Ravinder Singh son of Gurcharan Singh, resident of Bunglawala who was coming rashly and negligently. He tried to overtake the *Rehra* which was going ahead of him and on account of haphazard motion of the said tractor and of rash and negligent driving hit the scooter of his brother Tara Singh, who was on his correct side of road i.e. towards the left side. On hitting of the said tractor trolly, his brother sustained multiple injuries. His sister in law and niece also fell down on account of strong hitting and sustained multiple injuries. Tara Singh died at the spot on account of serious injuries on his head whereas his sister-in-law became unconscious. He took the injured to the hospital with the assistance of the people gathered at the spot. The said occurrence has taken place on account of rash and negligent driving of accused. On the basis of this statement, the FIR was got registered for committing the offence u/s



304A/337,279 IPC, 1860 and the investigation was started. The accused was arrested. The statements of the witnesses were recorded. The site plan was prepared. The RC of tractor was taken into possession. The RC of scooter was also taken into possession. On completion of investigation, the challan was prepared and presented in the Court against the accused for having committed the offence under section 304-A/337/279 IPC.

4. Thereafter, upon conclusion of the trial, the petitioner/accused was convicted by the Court of Chief Judicial Magistrate, Sangrur vide impugned judgment dated 16.12.2005 and vide even dated order, was sentenced to undergo rigorous imprisonment as enumerated above.

5. Learned counsel for the petitioner also submits that the petitioner has been suffering the agony of trial since 18.11.2001 and the revision petition is also an extension of trial. He is not involved in any other criminal case since the suspension of his sentence by this Court vide order dated 23.01.2008 during the pendency of present petition and it would be just and expedient to reduce the sentence awarded to the appellant by the learned Chief Judicial Magistrate, Sangrur to the period as already undergone, as the appellant is a law-abiding citizen and has reformed himself after his conviction. Learned counsel for the petitioner states that without referring to the merits of the case, he prays for reduction of sentence while taking a lenient view on the ground that the petitioner is not involved in any other case and has not indulged in any such activity, even after his conviction.

6. At this stage, counsel for the petitioner submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua modification of the order of sentence to the period already undergone.



7. On the other hand, learned State counsel opposes the prayer of the petitioner(s) by way of filing of custody certificate dated 21.08.2025 on the ground that the trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it. He further submits that the petitioner is not involved in any other case.

8. 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 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.

9. Further, a two-Judge 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.

10. A perusal of the judgment of conviction passed by learned Chief Judicial Magistrate, Sangrur indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only *qua* modification of quantum of sentence to that of the period already undergone by the petitioner.

11. 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 has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 month and 26 days. He is living peacefully for almost two decades as no report contrary to that has been received. In view of the facts 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 Bengal reported in (1998) 9 SCC 678** and **Alister Anthony Pareira 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 he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice

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would be met, if sentence imposed upon the petitioner is reduced to the one already undergone by him.

12. Accordingly, judgment of conviction and order of sentence dated 16.12.2005 passed by the learned Chief Judicial Magistrate, Sangrur is affirmed but the quantum of sentence awarded by the Court concerned under 279, 304-A, 337 of IPC, is modified and reduced to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interests of justice. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the compensation is awarded to the tune of Rs. 15,000/- to be paid to the Legal representatives of the victim by the petitioner vide impugned order of sentence.

13. With these modifications, the present petition is disposed of. Pending applications if any, also stand disposed of.

22nd August, 2025*Sonia Puri***(H.S. GREWAL)
JUDGE**

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