

**CRR-537-2008****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****203****CRR-537-2008****Date of Decision: 29.10.2025****SHAMSHER SINGH @ SHEELU****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. P.S.Paul, Advocate and
Mr. Arvind Pratap, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 12.02.2008 passed by Id. Additional Sessions Judge (FTC), Ropar vide which the judgment of conviction and order of sentence dated 04.09.2006 passed by Id. Sub Divisional Judicial Magistrate, Anandpur Sahib upheld whereby the petitioner was convicted under Section 279 of the IPC to undergo rigorous imprisonment for a period of six months and under Section 304-A IPC to undergo rigorous imprisonment for two year and to pay a fine of Rs. 500/- in default of payment of fine to further undergo simple imprisonment for 15 days. However, it was ordered that both the sentences shall run concurrently.

2 The brief facts of the case are that on 28.06.1999, ASI Baldev Singh recorded the statement of complainant Ashok Kumar, who stated that on 27.06.1999 at about 11:15 A.M he and his father-in-law, Nathu Ram, were travelling on scooter No. HP-5593 from Naya Nangal towards his bakery shop at Ajouli Turn. When they reached near Shivalik Model School, a bus bearing registration No. HP-20-5894, driven rashly and negligently by Sushil Kumar alias Sheelu, hit their scooter from behind. Both fell on the road, and Nathu Ram sustained serious injuries. The bus driver fled the spot, abandoning the vehicle. The accident was witnessed by Sanjiv

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Kumar. Nathu Ram was shifted to BBMB Hospital, Nangal, and later referred to PGI, Chandigarh, but he succumbed to his injuries on the way near village Belirampur. The complainant attributed Nathu Ram's death to the rash and negligent driving of the accused.

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 02 months and 19 days out of the awarded sentence of 02 years and stated that the petitioner is not involved in any other case. He prays that since FIR in question pertains to the year 1999, 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. However, he does not refute the fact that the petitioner is not involved in any other case.

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 1999 and he has already faced the rigors of the trial for more than 26 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, should be considered while determining the quantum of sentence and this discretion is not to be used

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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 1999. 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 26 years and have been in the corridors of the court for this prolonged period. 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



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Haripada Das Vs. State of West Bangal 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 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 ld. Appellate Court as well as ld. Sub Divisional Judicial Magistrate, Anandpur Sahib 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	:	Yes/No
Whether reportable	:	Yes/No