



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRR-747-2008(O&M)
Date of decision: 29.07.2025

Saranjit Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

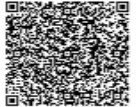
Present: Ms. Ishani Goyal, *Amicus Curiae*,
for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision has been preferred against the judgment dated 26.03.2008, passed by learned Additional Sessions Judge, Rupnagar, vide which, judgement of conviction dated and order on quantum of sentence dated 11.07.2007, passed by learned Sub Divisional Judicial Magistrate, Anandpur Sahib, has been upheld, in case stemming from FIR No.33, dated 04.07.2001, under Sections 279/337/304-A of IPC, registered at Police Station Nurpur Bedi (Amritsar), and the petitioner was sentenced as under:

Offence under Section(s)	Sentence
279 IPC	R.I. for five months
304-A IPC	R.I. for nine months and fine of Rs.500/-
337 IPC	Fine of Rs.500/-

2. Brief facts of the case set up by the prosecution are that on 03.07.2001, complainant Darshan Kumar recorded his statement before the Police to the effect that on the same day, at about 8:00 pm, he, along with



his brother Jaspal Singh, was travelling from Anandpur Sahib to their village Barrian on a scooter bearing registration No.PB-16-0941. When they reached slightly ahead of the bus stand of village Sangatpur, a tempo traveller bearing registration No.PB-01-2436, coming from Anandpur Sahib and being driven in rash and negligent manner, collided with their scooter. As a result, the complainant fell on the *Katcha* portion of the road and his brother, Jaspal Singh, was run over by the said tempo traveller. The said incident was witnessed by Lal Singh, who was following them. The complainant also sustained multiple injuries and was admitted to the Civil Hospital, Anandpur Sahib. Consequently, the FIR (supra) was registered.

3. Learned *amicus curiae* appearing for the petitioner, *inter alia*, contends that the prosecution has failed to prove the negligence and rashness on the part of the petitioner. Both the Courts below have not considered the case in the light of factual matrix. The co-travellers travelling in the offending vehicle at the time of alleged incident have not been examined by the prosecution. The learned trial Court has merely relied upon the highly interused witnesses. Further, the identity of the petitioner is not proved at all. The Investigating Officer has failed to conduct test identification parade. She submits that as per the custody certificate, the petitioner has undergone actual period of 30 days, out of total sentence of 9 months, awarded by learned trial Court and is not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been



upheld by the learned lower Appellate Court and as such, he does not deserve any leniency.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In **Deo Narain Mandal v. State of UP, (2004) 7 SCC 257**, a Three Judge Bench of the Hon'ble Supreme Court has opined 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, 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.

6. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. State of AP, AIR 2017 SC 1166**, has reiterated 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



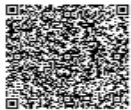
the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

7. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Sections 279/304-A/337 of IPC, for which no minimum punishment has been prescribed.

8. The FIR in the present case was lodged on 04.07.2001 and the petitioner has been suffering the agony of trial for the last more than 23 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, the petitioner has undergone a period of 30 days, out of total sentence of 9 months, awarded by learned trial Court and he is not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 279/304-A/337 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

10. Consequently, the present petition is disposed of and the judgment dated 26.03.2008, passed by the learned Additional Sessions Judge, Rupnagar, affirming the judgment of conviction is upheld, however, the order of sentence dated 11.07.2007 is modified to the extent that the substantial sentence of rigorous imprisonment for a period of 9 months and the fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.



- 11. Pending miscellaneous application(s), if any, also stand(s) disposed of.
- 12. Office is directed to pay the honorarium to the learned Amicus, as per the applicable rules.

(Harpreet Singh Brar)
Judge

29.07.2025
Rajan

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No