

CRR-1939-2009 (O & M)

2025:PHHC:036436



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(101)

CRR-1939-2009 (O&M)

Date of Decision: 18.03.2025

Roop Singh

... .Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaneet Soni, Advocate,
for the petitioner.

Mr. Dharam Pal, AAG, Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 13.07.2009 passed by Additional Sessions Judge, Kurukshetra, whereby the appeal filed against the judgment of conviction and order of sentence dated 24/26.03.2008 passed by the Additional Chief Judicial Magistrate, Kurukshetra, has been dismissed.

2. The FIR in the present case came to be registered on 14.06.1999. The judgment of conviction and order of sentence was passed on 24/26.03.2008 by the Additional Chief Judicial Magistrate, Kurukshetra. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 13.07.2009. The instant revision petition was filed on



29.07.2009 and has come up for final hearing now i.e. after a period of 26 years from the date of registration of the FIR.

3. In brief, the facts of the prosecution case are that on 14.06.1999, Chiranji Lal son of Biru Ram gave a statement to the police to the effect that he was working on Lucky Food Plaza as a cobbler. On that day, he was working on his shop. From the side of Pipli a motorcycle bearing registration No. HR-01-1051 bearing three riders driven in a proper manner was going. At the same time, a four-wheeler bearing registration No. PB-11E-3657 driven in a rash and negligent manner hit the motorcycle, due to which motorcyclists received injuries. The driver of the motorcycle died at the spot. The remaining two injured were admitted in CHC Shahabad. Necessary legal action was sought. On this statement, the formal FIR was registered against the driver of the offending vehicle. Investigation was set into motion. Site plan was prepared. Statements of the witnesses were recorded. The accused was arrested in this case. After completing all other usual acts of investigation, the challan was prepared and submitted in the Court for trial.

4. After perusing the document and report under Section 173 Cr.P.C., a prima facie case for the commission of offences punishable under Sections 279, 337, 304-A of Indian Penal Code was made out against the accused and charge was framed accordingly to which he pleaded not guilty and claimed trial.



5. In order to prove its case, the prosecution examined PW1 C. Ashok Kumar, PW2 Chiranji Lal, PW3 Dr. Mrs. Sunita Kumari (wrongly written as PW2), PW4 Dr. C.R. Khatri (wrongly written as PW3), PW5 Ajaib Singh (wrongly written as PW4), PW6 Mohinder Singh (wrongly written as PW5), PW7 Balak Ram (wrongly written as PW6), PW8 HC Krishan Kumar (wrongly written as PW7), PW9 Gurmeet Singh (wrongly written as PW8), PW10 Daljit Singh(wrongly written as PW9), PW11 ASI Krishan Lal (Wrongly written as PW10). Thereafter, the evidence of the prosecution was closed by order of court.

6. The statement of the accused was recorded under Section 313 Cr.P.C. in which he claimed false implication. However, no defense evidence was led by him.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of the Additional Chief Judicial Magistrate, Kurukshetra vide judgment of conviction and order of sentence dated 24/26.03.2008 as under:-

Offence under Section	Sentence RI/SI	Fine	Imprisonment in default of payment of fine
279 IPC	RI for 06 months	--	--
337 IPC	RI for 06 months	--	--
304-A IPC	RI for 02 years	Rs.200/-	for 15 days

All the sentences were ordered to run concurrently.



8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Kurukshetra, vide judgment dated 13.07.2009.

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

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 23.09.2009.

11. The learned counsel for the accused-petitioner contends that the judgments of conviction are based on conjectures and surmises. There is no evidence of the rash and negligent driving on the part of the accused-petitioner. His identity had not been established as per law. Therefore, the impugned judgments are liable to be set aside. 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 1999 and the case had come up for final hearing now after a gap of 26 years, the accused/petitioner may be released on probation subject to payment of compensation.

12. The learned counsel for the State, on the other hand, has filed a custody certificate dated 11.03.2025 of the accused-petitioner, which is taken on record. As per the said custody certificate, the accused-petitioner has undergone 02 months and 13 days out of his substantive sentence. He contends that the evidence on record was sufficient to establish the



culpability of the accused petitioner. The prosecution witnesses had deposed consistently as to the manner in which the occurrence had taken place. There were no discrepancies in their statements as has been sought to be argued. Therefore, the present petition was liable to be dismissed.

13. I have heard learned counsel for the parties and examined the record.

14. The allegations against the accused are that on 14.06.1999 while driving a four-wheeler No. PB-11E-3657 he caused an accident in the area of police station Shahabad, which resulted into the death of Gurvinder Singh and injuries to Gurmeet Singh and Daljit Singh. The prosecution case is mainly based upon the testimony of PW2 Chiranji Lal, who is a complainant in this case and deposed before the court accordingly. As per Chiranji Lal (PW2), he was working as cobbler on Food Plaza Dhaba. At about 1.00/1.30 PM, on the day of the occurrence, a four wheeler came from the side of Shahabad and three persons were going on a motorcycle which was coming from Pipli Side. There, an accident took place. The driver of the motorcycle died at the spot and remaining two persons who were riding on the motorcycle sustained injuries. They were admitted in the hospital. As per PW2, accident had taken place because of negligence on the part of the driver of the four wheeler, who fled away from the spot after causing the accident. On the point of identification the witness was declared a hostile witness by the Public Prosecutor.



15. PW9 Gurmeet Singh (wrongly written as PW-8), the main witness of the prosecution deposed that on 14.06.1999, he alongwith Daljit Singh and Gurvinder Singh (since deceased) had come to his village on motorcycle No. HR-01-1051. He alongwith Daljit Singh and Gurvinder Singh had gone on the motorcycle and while they were going from Kurukshetra to Shahabad on the motorcycle and reached near Khanpur Jattan, there was a cut on the road. A four-wheeler was coming from the opposite side on a very fast speed and in a rash and negligent manner and struck their motorcycle. The number of the four-wheeler was PB-11E-3657 and the said four wheeler was being driven by Roop Singh accused who was present in the court. The motorcycle was being driven by Gurvinder Singh, who died on the spot. He (PW9 Gurmeet Singh) and Daljit Singh sustained injuries and they were shifted to hospital for treatment. As per this witness the accident had taken place because of the rash and negligent driving of accused, who was driving the four-wheeler.

16. PW10 Daljit Singh (wrongly written as PW9) another injured and an eye witness to this occurrence also deposed on similar lines.

17. PW6 Mohinder Singh (wrongly written as PW5) deposed that on 14.06.1999 he was going from the house to his relative and when he reached near Khanpur Jattan Chowk, he observed that one motorcycle was coming from Kurukshetra side and three persons were riding on the said motorcycle. The said motorcycle was being driven by Gurvinder Singh and Gurmeet Singh & Daljit Singh were pillion riders. After the accident



Gurvinder Singh died on the spot and the remaining two occupants of motorcycle sustained injuries. The accident was caused because of the rash and negligent driving of Roop Singh who was driving the four-wheeler and the said person was identified on the spot.

18. The testimony of PW1 C.Ashok Kumar mechanic was recorded who had mechanically examined the four-wheeler bearing No. PB-11E-3657 and motorcycle bearing no.HR-01-1051 and submitted report Ex.PA and Ex.PB under his signatures.

19. PW3 Dr. Mrs. Sunita Kumari (wrongly written as PW2) from CHC Shahabad deposed that on 14.06.1999 at about 1.20 PM she medico legally examined Gurmeet Singh and found the following injuries:-

- 1. Irregular deformity with crepitus of lower third of right lower arm, tenderness present. Swelling was present. Patient was advised X-ray right lower arm. A.P. and lateral views.*
- 2. Generalized swelling with deformity of right wrist, dorsal side and right hand, dorsal side, crepitus was felt. Tenderness was present. Advised X-ray right wrist joint and right dorsum hand. A.P. and lateral views.*
- 3. Deformity with generalized swelling of right lower one third of right thigh. Tenderness present. Advised X-ray right thigh and right knee joint. A.P. and lateral views.*
- 4. Whole of right knee swollen with multiple graze abrasion covering in area 8 cm on lateral side, fresh bleeding was present. Advised X-ray right knee, A.P. lateral.*
- 5. Abrasions covering an area 15 cm x 15 cm on front of right upper right arm and shoulder in front. Reddish in colour. Advised X-ray right upper arm with shoulder.*



6. Two abrasions each 3 cm x 2 cm on dorsal side of left lower arm. Reddish in colour, fresh bleeding was present.

Injuries no. 1 to 5 all subject to X-ray opinion and under observation and injury no. 6 was simple. Duration of injuries was within 6 hours. Copy of MLR is Ex.PA which bears her signatures.

On the same day, she medico-legally examined Daljit Singh and found following findings:-

- 1. Lacerated wound 10 cm x 3 cm on right side of forehead near hair line. Semi circular in shape. Profuse bleeding was present. Patient was advised X-ray skull. A.P. and lateral views.*
- 2. Contusion 6 cm x 4 cm on left eyebrow lateral side, tenderness was present, swelling was present. Advised X-ray skull. A.P. and lateral views.*
- 3. Abrasions 3 in numbers on lateral side of right elbow each three centimeter in diameter, reddish in colour, fresh bleeding was present, movements at right elbow restricted. Advised X-ray right elbow.*
- 4. Lacerated wound 6 cm x 4.5 cm on front of right knee profuse bleeding was present. Advised X-ray right knee AP lateral views.*
- 5. 3 cm in diameter abrasions on back of left elbow, fresh bleeding was seen.*
- 6. 2 cm x 4 cm abrasion on knuckle of left hand. Fresh bleeding was present. Reddish in colour.*



Injuries no. 1 to 4 all subject to X-ray opinion and under observation and injury no. 5 & 6 were simple. Probable duration of all the injuries was within 6 hours. Carbon copy of MLR was Ex.PB which also bore signatures.

20. PW4 Dr. C.R. Khatri (wrongly written as PW3) from LNJP Hospital, Kurukshetra deposed that on 14.06.1999 he conducted the postmortem on the body of Gurvinder Singh. As per this witness, the dead body was brought with the history of a road side accident and there was lacerated wound across the upper mouth and the lower jaw was fractured. Multiple ribs were fractured. The right arm was fractured, right thigh was also fractured, right leg bones were also found to be fractured. There were multiple fractures on the right chest and right side pleura. Upper lobe of the right lung was ruptured alongwith the middle lobe. The abdomen was healthy. Semi digested food was present in the stomach. As per this witness, the cause of death was *'hemorrhagic shock and injury to vital organ such as lungs which were anti-mortem in nature'* and sufficient to cause death in ordinary nature of events. Copy of PMR was Ex.PD which bore his signatures.

21. As per PW5 Ajaib Singh (wrongly written as PW4), Gurvinder Singh had died on 14.06.1999 in a road accident. His two nephews also sustained injuries in this accident. He reached on the turning point of Khanpur and by that time Gurvinder Singh had already died. The remaining



two injured had been shifted to hospital for treatment. He had received dead body of Gurvinder Singh vide receipt Ex.PW4/A.

22. PW11 Krishan Lal ASI (wrongly written as PW10) investigated the matter before whom Chiranji Lal had got recorded his statement Ex.PC, on the basis of which FIR Ex.PW1/B was recorded under his signature. The four Wheeler and motorcycle were also taken into police custody vide recovery memo Ex.PW10/D.

23. He supported the prosecution case to the extent that the accident had taken place on 14.06.1999 involving motorcycle No. HR-01-1051 and four wheeler No. PB-11E-3657. Three persons were riding on the motorcycle. As per the statement of PW2, the accident had taken place because of the rash and negligent driving of driver of four wheeler No. PB-11E-3657, who had fled away from the place of accident after causing the accident.

24. PW6 Mohinder Singh (wrongly written as PW5) deposed that on 14.06.1999 the accident had taken place because of rash and negligent driving of Roop Singh who was driving four-wheeler No. PB-11E-3657 and fled away from the place of accident after causing the accident. The said accused was again identified by this witness during the trial. Similar is the deposition of PW9 Gurmeet Singh (wrongly written as PW8) and PW10 Daljit Singh (wrongly written as PW9). All these witnesses were cross-examined at length but nothing material and substantive could be extracted from these witnesses to disbelieve the prosecution case. Minor



contradictions do not establish that these witnesses were actually not present at the spot.

25. The prosecution case is fully supported and corroborated by the testimony of PW3 Dr. Mrs. Sunita Kumari and PW4 Dr. C.R. Khatri and statement of the photographer and report of the mechanic. Further, it has come in the statement of the accused under section 313 Cr.P.C., that the accident had taken place because the motorcyclist could not control his balance. Meaning thereby that the presence of Roop Singh on the spot and the plea that he was driving the four-wheeler is not disputed as per statement of accused under section 313 Cr.P.C, himself. Further, there is no dispute about the identity of accused. As per the statement of PW2 Chiranji Lal, the testimony of PW6 Mohinder Singh, PW9 Gurmeet Singh and PW10 Daljit Singh, there were two injured in this case who were medico-legally examined by PW3 Dr. Mrs. Sunita Kumari who had conducted the medico-legal examination. The factum of the death of Gurvinder Singh has also been proved as per testimony of the prosecution witnesses and post mortem report Ex.PD is proved on the file as per the statement of PW4 Dr. C.R. Khatri.

26. In view of the above discussion, I find no infirmity in the judgments of the Trial Court as well as of the lower Appellate Court. Resultantly, the present revision stands dismissed.



27. 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 aforesaid amount stands paid. The question is, having paid compensation as per the orders of this Court 9 years



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*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.”

28. Admittedly, the occurrence pertains to the year 1999 and as many as 26 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

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payment of the fine as imposed and payment of Rs.1,00,000 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.

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

30. Pending applications, if any, are also disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 18, 2025
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No