

2025:PHHC:056717



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

CRR-661-2009(O&M)

Date of Decision:-01.05.2025

Harvinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Vishal R. Lamba, 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 13.02.2009 passed by Sessions Judge, Fatehgarh Sahib whereby the appeal filed against the judgment of conviction and order of sentence dated 23.08.2006 passed by Sub Divisional Judicial Magistrate, Amloh has been dismissed.

2. The FIR in the present case came to be registered on 10.12.2001. The judgment of conviction was passed on 23.08.2006 by the Sub Divisional Judicial Magistrate, Amloh. The Appeal filed against the order of conviction was dismissed on 13.02.2009 by the Sessions Judge, Fatehgarh Sahib. The instant revision petition was filed on 17.03.2009 and has come up for final hearing now i.e. after a period of more than 23 years from the date of registration of the FIR.

3. The present case was registered against the accused on the basis of the statement of complainant Jagroop Singh. In his statement dated 10-12-2001 the complainant Jagroop Singh stated that he was a resident of village Tangrala P.S. Amloh and a truck driver. His brother Labpreet Singh was serving in the Army. On 9-12-01 he alongwith his brother Labpreet Singh went to village Chari, P.S. Khamano to see their sister. They left the village of their sister at about 4.00 p.m. Their nephew Manpreet Singh aged about 4 years also left with them. Manpreet Singh was standing before the driver seat of the scooter. At about 5.00 pm. they reached in the area of village Ghutind. Then, one vehicle Mark Tata Sumo bearing No HR-01F-3757 came from Ramgarh side. The vehicle was driven by its driver at a high speed and negligently. The driver of the vehicle Tata Sumo struck against their scooter. Resultantly, he, his brother Labpreet Singh and his nephew Manpreet Singh fell down on the ground. Heavy damage was caused to their scooter. Labpreet Singh, his brother sustained multiple injuries on his person. Manpreet Singh sustained injuries on his head. The driver of Tata Sumo vehicle fled away from the spot alongwith the vehicle. He further stated that he could identify the driver of the vehicle. The injured were taken to Khanna. After consulting the relatives the injured persons were sent to DMC Ludhiana but on the way near Doraha Manpreet Singh died, who was sent back alongwith their sister. Labpreet Singh was admitted in D.M.C. Ludhiana. Sarwan Singh a resident of village Manopur, P.S. Khanna helped in admitting Labpreet Singh in D.M.C. Ludhiana.

4. After receipt of the telephonic message Baljeet Singh ASI alongwith other police officials left for DMC Hospital Ludhiana where Labpreet Singh injured was admitted. The attending doctor opined that Labpreet Singh was not fit to make a statement. There Jagroop Singh

complainant met Baljeet Singh AS who got recorded his statement. The statement was also signed by Ajaib Singh Nambardar of village Tangrala. On the basis of statement of Jagroop Singh. Baljeet Singh ASI sent ruqa to police station and got recorded FIR. Thereafter, Baljeet Singh ASI reached at Civil Hospital, Amloh where the dead body of Manpreet Singh was lying. Post mortem on the dead body of Manpreet Singh was got conducted from Civil Hospital, Amloh and thereafter it was handed over to the family members. By reaching at the place of accident Baljeet Singh ASI prepared the site plan with correct marginal notes. From the spot, scooter bearing no. PB-48-7507 in a damaged condition was taken into police possession by preparing recovery memo which was witnessed by C-II Sinder Singh and Ajaib Singh Nambardar. He also recorded the statements of the witnesses as envisaged U/s 161 Cr.P.C. On 16-12-01 accused Harvinder Singh produced the vehicle Tata Sumo No.HR-01F-3657 which was taken into police possession by preparing a recovery memo Ex PW6/B. The accused also handed over the Registration certificate of the vehicle and his driving license which were also taken into police possession. Accused Harvinder Singh was arrested and released on bail. Personal search memo Ex.PW6/A was also prepared. The Tata Sumo vehicle and the damaged scooter were got mechanically tested from Karam Singh. After completion of necessary investigation challan was presented in the court for trial.

5. Charges were framed under Sections 279 & 304-A IPC to which the accused pleaded not guilty and claimed trial.

6. To prove the charge against the accused the prosecution examined PW-1 Labpreet Singh an injured eye-witness, PW 2 Ajaib Singh, PW 3 Jagroop Singh complainant, PW 4 Karam Singh Mechanic, PW 5 Sarwan Singh a r/o Village Manopur, Tehsil Samrala, PW 6 Gurmeet

Singh, HC, PW 7 Ashok Kumar, Clerk from D.T.O. Fatehgarh Sahib, PW 8 Ashok Kumar, HC. PW 9 Bahadur Singh a r/o V. Chari, PW 10 Kuldeep Singh a resident of Village Tangrali and PW 11 Baljeet Singh ASI Investigating Officer.

6. As envisaged U/s 313 Cr.P.C. statement of accused Harvinder Singh was recorded who pleaded that accident took place with some other vehicle, but he had been falsely implicated in the present case. The witnesses had deposed falsely.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate, Amloh vide judgment and order of sentence dated 23.08.2006 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 279 IPC	RI for 06 Months	Rs.1000/-	RI for 01 Month
Section 304-A IPC	RI for 02 Years	Rs.4000/-	RI for 04 Months

Both the aforesaid sentences were ordered to run concurrently.

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Sessions Judge, Fatehgarh Sahib, vide judgment dated 13.02.2009.

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

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 18.03.2009.

11. The Counsel for the accused/petitioner contends that the identification of the accused/petitioner has not been established in accordance with law. There is no evidence of the rash and negligent driving on his part. PW-2 Ajaib Singh was not present at the time of occurrence

and, therefore, his statement cannot be believed. 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 23 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.

12. The Counsel for the State on the other hand has placed on record the custody certificate dated 01.05.2025. 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.

13. I have heard counsel for the parties.

14. PW-1 Labpreet Singh who was injured in the alleged occurrence has specifically named the accused Harvinder Singh by alleging that he was driving the Tata Sumo bearing no HR-01F-3657 rashly and negligently and thereby he struck the same against their scooter and caused the accident in which he sustained injuries on his person and his nephew Manpreet Singh died. PW 3 Jagroop Singh who lodged the complaint has also alleged that accused Harvinder Singh was driving the offending vehicle on 9-12-01. By driving the offending vehicle rashly and negligently he caused the accident in which Manpreet Singh died and Labpreet Singh

sustained multiple injuries on his person. Even if the plea of the defence is accepted that PW 2 Ajaib Singh was not present at the time of alleged accident, even then there are statements of PW Labpreet Singh and PW Jagroop Singh who have identified the accused in court and have alleged that he was driving the offending vehicle. The offending vehicle was produced by the accused before the police and motor mechanic Karam Singh in his report Ex.PW4/B has reported about the broken bumper, glasses of light and dent in the body of the vehicle. As such report of PW-4 Karam Singh mechanic has also provided support to the prosecution case PW 11 Baljeet Singh ASI who investigated the case has proved all the material documents which were prepared by him during investigation.

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

24. 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.”*

25. Admittedly, the occurrence pertains to the year 2001 and more than 23 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. 01 month and 10 days.

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

(JASJIT SINGH BEDI)
JUDGE

May 01, 2025
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No