

2025:PHHC:058017



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

CRR-1017-2010(O&M)

Date of Decision:-30.04.2025

Hardip Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Ms. Neeru Bansal, Advocate Amicus Curiae for the Petitioner.

**Mr. Prabhdeep Singh Dhaliwal, Assistant Advocate General,
Punjab.**

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 05.03.2010 passed by Sessions Judge, Patiala whereby the appeal filed against the judgment of conviction and order of sentence dated 23.07.2008 passed by Chief Judicial Magistrate, Patiala has been dismissed.

2. Today case was listed for hearing. None has put in appearance on behalf of the petitioner. Same was the position on the last date of hearing. Ms. Neeru Bansal, Advocate bearing Enrolment No.P/3602-2010 present in court is hereby appointed as Amicus Curiae to assist this Court on behalf of the petitioner. The Registry is directed to pay her fee as per rules.

3. The FIR in the present case came to be registered on 28.10.1999. The judgment of conviction was passed on 23.07.2008 by the Chief Judicial Magistrate, Patiala. The Appeal filed against the order of conviction was dismissed on 05.03.2010 by the Sessions Judge, Patiala.

The instant revision petition was filed on 01.04.2010 and has come up for final hearing now i.e. after a period of more than 25 years from the date of registration of the FIR.

4. As per the prosecution, on 28.10.1999, Sh. Manvesh Singh Sidhu, Secretary, RTA Patiala was present near the petrol pump of Bahadurgarh at Rajpura Patiala GT Road in connection with routine checking duties. He was accompanied by his personal staff including Stenographer Harish Kumar and gunman Upinder Singh (complainant). In the meantime, a Matador bearing No.DL-2C-1481 came from the side of Rajpura. It was being driven at a very high speed. At the instance of Manvesh Singh Sidhu, Secretary, RTA, the complainant gave a signal to the vehicle to stop, Instead of stopping the vehicle, the driver of the vehicle further accelerated the speed and due to the rash and negligent driving of the driver, the Matador hit the complainant and sped away. The complainant fell down on the road and sustained injuries. In the meantime, the Matador was stopped at some distance and its driver (later known as Hardip Singh son of Mehal Singh), was apprehended at the spot. The Secretary, RTA rushed the complainant to Rajindra Hospital, Patiala where he was given medical treatment. It is alleged that the accident occurred due to the negligent driving of the aforesaid Matador by its driver accused Hardip Singh. On this statement by sending a ruqa to the Police Station, the formal FIR was registered. The case was investigated. The investigating officer reached at the spot, recorded statement of witnesses, prepared site plan, took into possession the vehicle involved in the accident and formally arrested the accused. On the completion of investigation, the challan was presented before the Magistrate, Patiala on 8.4.2000.

5. After hearing the prosecution and defence and perusing the

documents, charges were framed under Section 279, 332 and 338 IPC. The accused pleaded not guilty to the charge and claimed trial.

6. The prosecution examined PW1 HC Attar Singh, PW2 HC Piara Singh, PW3 HC Gurmail Singh, PW4 Harish Kumar, Steno-typist (eye witness), PW5 C.Upinder Singh (complainant), PW6 Dr.Karamjit Singh Medical Officer and PW7 Sh.Manvesh Singh Sidhu, the then Secretary, RTA, Patiala (another eye witness). Thereafter the prosecution failed to produce its remaining witnesses in spite of opportunities whereupon the prosecution's remaining evidence was closed by order.

7. The statement of the accused was recorded under section 313 Cr.PC in which he denied the correctness of prosecution version and prosecution evidence appearing against him and claimed that he was innocent.

8. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Patiala vide judgment and order of sentence dated 23.07.2008 as under:-

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 279 IPC	RI for 06 Months	Rs.1000/-	RI for 30 days
Section 332 IPC	RI for 02 Years	Rs.2000/-	RI for 60 days
Section 338 IPC	RI for 02 Years	Rs.1000/-	RI for 30 days

All the aforesaid sentences were ordered to run concurrently.

9. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Sessions Judge, Patiala, vide judgment dated 05.03.2010 thereby acquitting the petitioner for the offence under Section 332 IPC and maintained his conviction for the offence under Sections 279 and 338 IPC.

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

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 06.05.2010.

12. The Amicus Curiae for the accused/petitioner contends that the judgment of conviction is based on conjectures and surmises. The evidence has not been appreciated in its proper perspective. The witnesses are discrepant in material particulars. She thus contends that the impugned judgments were liable to be set aside. In addition, she 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 more than 25 years, the accused may be released on probation or his sentence be reduced to the period already undergone by him.

13. The Counsel for the State on the other hand has placed on record the custody certificate dated 29.04.2025. He contends that the prosecution witnesses have deposed consistently as to the manner in which the occurrence took place. There is no reason for them to have falsely implicated the accused. He thus contends that the present petition was liable to be dismissed.

14. I have heard counsel for the parties.

15. The testimonies of PW-4 Harish Kumar, PW-5 Constable Upinder Singh and PW-7 Manvesh Sindh Sudhu, MD PRTC, Patiala fully establish the prosecution case. These prosecution witnesses have narrated the occurrence in a detailed manner and have identified the accused. There is no enmity between the parties so as to falsely implicated the accused.

16. In view of the aforementioned discussion, I find no merit in the

present petition and the same stands dismissed.

17. As regards the imposition of sentence, a perusal of the custody certificate would reveal that the petitioner has undergone custody of 02 months and 03 days out of the substantive sentence of 02 years. He is also a first time offender. The matter has come up for hearing now after more than 25 years of the registration of the FIR. Therefore, while upholding his conviction, I deem it appropriate to reduce the sentence imposed on the accused/petitioner to the period already undergone by him. The sentence of fine and sentence in default of payment of fine shall remain intact.

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

(JASJIT SINGH BEDI)
JUDGE

April 30, 2025
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No