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

**CRR-1205-2010 (O&M)
Date of decision: 21.08.2025**

Jai Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Ms. Ramandeep Kaur, Advocate (Amicus Curiae)
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL J. (Oral)

Feeling aggrieved by the judgment and order dated 17.03.2006 passed by learned Judicial Magistrate Ist Class, Sangrur whereby the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of 01 and ½ years and to pay a fine of Rs.1000/- and in default thereof to further undergo rigorous imprisonment for a period of one month, in FIR No.173 of 19.11.2000 under Sections 304-A, 279, 427 of IPC which was upheld by the Appellate Court vide its judgment dated 23.04.2010, the petitioner has come up before this Court by way of filing of the present petition.

2. The case of the prosecution is that on 18.12.2000, a medical *Ruqa* was received from Civil Hospital, Bhawanigarh, with regard to injuries received by an unknown person, in a roadside accident and his further reference to Rajindra Hospital, Patiala and on 19.11.2000, ASI-Baljit Singh along with Police party reached the Rajindra Hospital, Patiala, in order to get the statement of injured recorded, but the Doctor attending on him, declared the injured unfit to make a statement. However, one Dhana Singh was already present with the injured, who got his statement recorded before the Police that he was a resident



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of Santokh Pura and had been running a Hotel near Balad Crossing, Bhawanigarh for the last six years. He stated that on 18.11.2000, he was talking with Nand Lal near his hotel and Nand Lal was having a cycle. At about 05.30 P.M. a Bus bearing No. HR-37A-1002, which was being driven by a clean shaven driver swiftly, without blowing horn and in a slipshod manner, came from Patiala side and struck against the cycle of Nand Lal, whereas the complainant salvaged his life by fleeing. The complainant further stated that the Bus Driver fled away from the spot along with the Bus. Then the complainant took care of Nand Lal, who had received multiple injuries on his head, chin, feet etc. and the cycle was also damaged badly. Thereafter, he along with the help of other persons got Nand Lal admitted in Civil Hospital, Bhawanigarh. On the above-said statement and FIR (Ex.P-11) was registered and the Police swung into action. The accidental cycle was taken into possession and rough site plan of place of mishap was prepared. Statements of witnesses were recorded. On 21.12.2000, information with regard to death of Nand Lal was disseminated at Police Station Bhawanigarh, on which, offence under Section 304-A IPC, 1860 was added. Autopsy of dead body of deceased Nand Lal got conducted. On 22.11.2000, the appellant-accused was nominated in the present case on the statement of one Gurdev Singh. The offending bus was taken into possession vide memo Ex.P-18 and the accused was arrested on 12.12.2000 and his personal search was conducted. From the further search of the accused, his driving license and other papers were taken into possession. The appellant was employed as a driver with Haryana Roadways. Sh. Kapoor Singh Inspector of Haryana Roadways produced the duty roaster of the drivers of Haryana Roadways and the same was taken into possession vide Memo. Ex.P-17. Application was sent to Licensing Authority to verify the driving license of the appellant. The Licensing



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Authority verified that the driving license pertains to the Appellant-Jai Kumar. After completion of investigation, challan was submitted against the accused.

3. Thereafter, upon conclusion of the trial, the petitioner/accused was convicted by the Court of Judicial Magistrate Ist Class, vide impugned judgment dated 17.03.2006 and vide even dated order, was sentenced to undergo rigorous imprisonment as enumerated above.

4. Learned counsel for the petitioner also submits that the petitioner has been suffering the agony of trial since 19.11.2000 as the revision petition is also an extension of trial. He is not involved in any other criminal case since the suspension of his sentence by this Court vide order dated 28.05.2010 during the pendency of present petition and has prayed that he may be released on probation since he has exhibited good conduct throughout his incarceration and has not been involved in any other criminal case.

5. At this stage, counsel for the petitioner submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua his release on probation on the basis of his good conduct during the period of his incarceration.

6. On the other hand, learned State counsel opposes the prayer of the petitioner on the ground that the trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it. He further submits that the petitioner is not involved in any other case.

9. The Hon'ble Supreme Court in '*Ved Prakash vs. State of Haryana*' **1981(1) SCC 447** has also observed that "it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a



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rehabilitating slant”. It was further observed by the Hon'ble Apex Court “even if the Bar does not help, the Bench must fulfil the reformatory approach of sentencing implicit in such enactments as the Probation of Offenders Act”.

10. It is worthwhile to note that the occurrence in this case pertains to the year 2010. 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 25 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for around 36 days. He is living peacefully for last more than one and half decade as no report contrary to that has been received. 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.

11. Keeping in view the above facts and circumstances of the present case, there is no other criminal antecedents against the petitioner, the judgment of conviction dated 17.03.2006 passed by the Judicial Magistrate Ist Class, Sangrur is upheld. However, the order of sentence dated 17.03.2006 is modified to the extent that the petitioner is ordered to released on probation under Section 4 of the Probation Offenders Act for a period of 01 year subject to his furnishing probation bonds/ surety bonds and to keep peace and be on good behaviour during the period of one year and also to pay a compensation to the tune of Rs.25,000/- to be paid to the Legal Representatives of the victim.

12. With these modifications, the present revision petition is disposed of.

21st August, 2025

Sonia Puri

**(H.S. GREWAL)
JUDGE**

<i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>

