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

CRR-1295-2010

Date of Decision:-18.03.2025

GAURAV MEHRA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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

Present:- Mr. C.M. Munjal, Advocate with
Ms. Ramandeep Kaur, Amicus Curiae
for the Petitioner.

Mr. Prabhdeep Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 07.05.2010 passed by the Additional Sessions Judge, Shaheed Bhagat Singh Nagar whereby the appeal filed against the judgment of conviction and order of sentence dated 01.04.2008 passed by the Judicial Magistrate, 1st Class, Nawanshahr has been dismissed.

2. The FIR in the present case came to be registered on 24.10.2004. The judgment of conviction was passed on 01.04.2008 by the Judicial Magistrate, 1st Class, Nawanshahr. The appeal filed against the order of conviction was dismissed on 07.05.2010 by the Additional Sessions Judge, Shaheed Bhagat Singh Nagar. The instant revision petition was filed on 10.05.2010 and has come up for final hearing now i.e. after a period of more than 20 years from the date of registration of the FIR.

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3. The prosecution case was registered on the statement of Sukhwant Singh, who made a statement to HC Kashmir Singh of P.S. Banga, alleging therein, in brief as under:-

“That on 23.10.2004, he had gone to the grain market for the sale of paddy crop alongwith Sahib Singh and his nephew Ravinder Singh and visited the commission agent Mukhtiar Singh in grain market and as the paddy crop was not sold, therefore, they went to take meal in a Dhaba. At about 10.30 p.m., they returned to the grain market after taking meal and had crossed the road Sahib Singh was behind them. The accused came from Phagwara side on a maruti car and was driving the same at a very high speed and struck Sahib Singh, who received many injuries and due to high speed, the maruti car also turned turtle and struck in the four-wall of the grain market. The occupant of the maruti car including the driver/accused also received injuries; Gaurav Mehra was driving the maruti car and the occurrence took place due to the rash and negligent driving of the driver of the maruti car and Sahib Singh died at the spot. He was taken to Civil Hospital Banga and car driver was taken to Karan Hospital, from where Doctor referred him to DMC Hospital, Ludhiana. The accident took place due to the rash and negligent driving of the car driver, in which Sahib Singh received injuries and died. During the night, the complainant had gone to give information to his relations and then in the morning i.e. 24.10.2004, he gave the statement to HC Kashmir Singh and case in hand was registered.

4. On the statement of Sukhwant Singh, complainant, endorsement was sent to Police Station, Banga and case in hand/FIR Ex. PA/1 was registered. That Investigating Officer (hereinafter to be called as IO for



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convenience) prepared the inquest report and sent the dead body for post mortem examination. He also went to the spot and prepared the rough site plan of the place of accident. He also took into possession the maruti car from the spot vide separate recovery memo. The accused was arrested in this case and statements of the witnesses were recorded and after completion of investigation, challan against the accused was presented in the Court.

5. The Magistrate found a prima facie case punishable u/s 279/304-A of the Indian Penal Code against the accused and he was charge-sheeted accordingly, to which he pleaded not guilty and claimed trial. In order to prove its case, the prosecution examined PW1 Ravinder Singh, PW2 Sukhwant Singh, PW3 Dr. Kashmir Chand, PW4 HC Kashmir Singh, PW5 Dalip Kumar, PW6 Narinder Pal Singh and PW7 C. Joga Singh.

6. The accused denied all the incriminating evidence appearing in prosecution evidence in his statement recorded u/s 313 Cr.P.C. and claimed to be innocent and contended that case has been falsely registered against him by the police, though in fact the car had struck the wall of Grain Market, Banga. He never caused any accident as alleged by the prosecution and he had been falsely implicated in this case.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the Court of Judicial Magistrate, 1st Class, Nawanshahr vide judgment and order of sentence dated 01.04.2008 as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
279 IPC	RI for 06 months	---	---

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304 IPC	RI for 02 years	Rs.2000/-	RI for 01 month
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8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide judgment dated 07.05.2010.

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 by this Court vide order dated 28.06.2010.

11. The counsel for the accused/petitioner and the Amicus Curiae contends that the judgment of conviction was passed on the basis of conjectures and surmises. There is no evidence of the rash and negligent driving on the part of the accused/petitioner. The identity of the accused/petitioner has not been established as per law. 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 2004 and the case had come up for final hearing now after a gap of more than 20 years, the accused/petitioner 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 filed a custody certificate of the accused/petitioner dated 17.03.2025 and the same is taken on record. He contends that the evidence on record was sufficient to establish the culpability of the accused/petitioner. The prosecution witnesses

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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. Photographs Ex.PW.5/A to Ex.PW.5/F produced by the prosecution are admitted by the accused from the manner in which the car struck the wall, it can be presumed that it was at a very high speed. From the photographs produced on the file, it is clear that this car was not only being driven by the accused at a very high speed but it was also being driven rashly and negligently. There is sufficient evidence with the prosecution to establish the guilt of the accused for the offence under section 279 IPC.

15. The accident in question took place at about 10.30 PM on 23.10.2004. Dr. Kashmir Chand (PW3) deposed that on 24.10.2004, he conducted the postmortem on the dead body of Sahib Singh, which was brought by HC Kashmir Singh. As per medical opinion, cause of death of Sahib Singh was shock and hammeourage due to injuries. Copy of postmortem report is proved by this witness as Ex. PW3/A. Death of Sahib Singh in an accident is duly proved. The plea of the accused is that he did not cause the accident by striking his car against Sahib Singh, whereas PW1- Ravinder Singh and PW-2 Sukhwant Singh have deposed that before striking the car by the accused/petitioner in the boundary wall, it struck against Sahib Singh. The accused has failed to lead any evidence to rebut this evidence. The prosecution has proved the site plan of the place of



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accident as Ex. PE, Memo Ex.PF vide which said car was taken into possession. In the site plan, Ex. PE, the main road is shown. It is also shown that at point-A Sahib Singh was standing, whereas the car is shown at point C. Points A and B are on Kacha Path. Sahib Singh, Sukhwant Singh and Ravinder Singh were on this Kacha Path at the relevant time. The car in question being driven by the accused came from Phagwara side and it had come on the Kacha Path. These facts show that the accused was driving the car rashly, negligently and at a very high speed.

16. Thus, it is duly proved by the prosecution that the driver of the said car i.e. the accused was driving in a rash and negligent manner and he is responsible for causing the death of Sahib Singh.

17. Though there are some minor discrepancies in the statements of witnesses of the prosecution, but these are not material. The prosecution has proved that this accident took place due to the rash and negligent driving of the said car by the accused. The witnesses examined by the prosecution have proved the guilt of the accused beyond shadow of reasonable doubt. He has failed to rebut evidence of the prosecution.

18. 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.

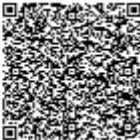
19. As regards the imposition of sentence, it may be pointed out that this Court in **Gurmukh Singh Vs. State of Punjab CRR No.2168-2014** **Decided on 13.12.2023** held as under:-

“ 21. Thus two parallel threads are :

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- 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 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.”*



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20. Admittedly, the occurrence pertains to the year 2004 and as many as 20 years have passed ever since then. A perusal of his custody certificate would show that he does not have any criminal antecedents and is a first time offender. Therefore, subject to the payment of the fine as imposed and payment of Rs.1,00,000/- 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 22 days.

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

(JASJIT SINGH BEDI)
JUDGE

18.03.2025
jitesh

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