

2025:PHHC:038868



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

CRR-1901-2010(O&M)

Date of Decision:-21.03.2025

Parminder Singh.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Partap Singh Gill, Advocate as Amicus Curiae &
Mr. Jaideep Verma, Advocate for the Petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 10.07.2010 passed by Additional Sessions Judge, Fast Track Court, Ludhiana whereby the appeal filed against the judgment of conviction and order of sentence dated 06.06.2008 passed by Sub Divisional Judicial Magistrate, Ludhiana has been dismissed.

2. The FIR in the present case came to be registered on 08.05.2004. The judgment of conviction was passed on 06.06.2008 by the Sub Divisional Judicial Magistrate, Ludhiana. The Appeal filed against the order of conviction was dismissed on 10.07.2010 by the Additional Sessions Judge, Fast Track Court, Ludhiana. The instant revision petition was filed on 14.07.2010 and has come up for final hearing now i.e. after a period of 20 years from the date of registration of the FIR.

3. The prosecution story in brief is based upon the statement of one Chaman Lal son of Ganda Ram, Resident of House no. 5019, Mohalla

Dewan khana Jagraon which is to the effect that he was a business man. On 8-5-2004 he and Tarsem Lal Son of Gujjar Mal, resident of Gita Colony, Jagraon were proceeding towards Ludhiana from Tehsil Chowk on a Scooter while Ashok Kumar son of Shiv Prashad, resident of Chatti Gali, Jagraon city, was proceeding ahead of them on his scooter bearing registration no. PB 10 AA: 1769. At about 12.15 p.m. when they reached near Janta Petrol Pump and Ashok Kumar tried to turn towards Janta Petrol Pump, a bus bearing registration no. PB-29A-9645 came from the side of Ludhiana at a fast speed and ran over the scooter of Ashok Kumar as a result of which Ashok Kumar received multiple injuries and his scooter was also damaged. The driver of the offending bus fled away from the place of occurrence. Ashok Kumar was firstly removed to Civil Hospital, Jagroan and then to D.M.C. Hospital, Ludhiana where he succumbed to his injuries. Later on the name of the driver of the offending bus came to be known as Parminder Singh Son of Satwinder Singh, Resident of Village Mallha, Police Station, Jagraon. The matter was reported to the police and a criminal case was registered against him. After completion of investigation challan was presented in the court.

4. Finding a prima facie case for an offence punishable under section 304-A/279 IPC against the accused, he was charge sheeted accordingly to which he pleaded not guilty and claimed trial.

5. In order to prove its case the prosecution examined PW-1 Chaman Lal complainant of this case who on oath stated that he along with Tarsem Lal eye witness were going towards the side of Ludhiana and Ashok Kumar was going on his scooter and at about 12:15 PM Ashok Kumar turned his Scooter towards Janta Patrol Pump Jagraon. One bus came from the side of Ludhiana which was being driven by the accused in a rash and

negligent manner hit the scooter of the Ashok Kumar, as a result of which he suffered multiple injuries on his body and he was got admitted in Civil Hospital Jagraon from where he was referred to DMC Ludhiana where he died. He further stated that the accused ran away from the spot after the occurrence. He also proved his statement recorded by IO as Ex.PA. The prosecution further examined Tarsem Lal as PW2 who is the eye witness of the occurrence who on oath also corroborated the entire version of the complainant as put forth by him while appearing in the witness box as PW-1. PW3 C. Kewal Krishan proved his test report of the offending vehicles as EX.PI and P2. PW4 is CI accident and proved the photographs as EX.P3 to P11 which were taken into police possession vide memo EX.PB. PW5 Mohd. Nissar Clerk DTO Office Ludhiana proved RC of the Scooter as EX.P-1. PW6 ASI Raminderjit Singh IO of this case repeated the entire version as set up by the prosecution. Besides this he proved ruqa EX.PC, FIR Ex.PC/1 and Inquest report as EX.PD, application for conducting the post mortem of Ashok Kumar as Ex.PE, ruqa of DMC as Ex.P-2, application Ex.PE/1 and endorsement made thereon as Ex.PE/2. Recovery memos Ex.PG and Ex.PG/1 and PH vide which the scooter and bus were taken into possession, arrest memo EX.PJ, personal search memo as EX.PK. PW7 Bikrampal Singh clerk office of SDM Jagraon proved the driving license of Ashok Kumar deceased as EX.P4. Thereafter the accused made a statement that he did not want to cross examine the concerned doctor who conducted the post mortem on the body of deceased Ashok Kumar and he also had no objection of the post mortem report and RC of the bus being tendered in prosecution evidence. After tendering Post mortem report of Ashok Kumar as Ex.PL and RC of bus as Ex.P-5, prosecution evidence was closed.

6. Based on the evidence led, the accused/petitioner came to be

convicted and sentenced by the court of Sub Divisional Judicial Magistrate, Jagraon vide judgment and order of sentence dated 06.06.2008 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 304-A IPC	01 Year	Rs.1000/-	10 Days
Section 279 IPC	06 Months	Rs.1000/-	10 Days

Both the aforesaid sentences were ordered to run concurrently.

7. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Fast Track Court, Ludhiana, vide judgment dated 10.07.2010.
8. The aforementioned judgments are under challenge in the present petition.
9. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 24.09.2010.
10. The counsel for the petitioner and the Amicus Curiae contend that there are discrepancies in the statements of the prosecution witnesses which creates a doubt in the entire prosecution case. There is no evidence of the rash and negligent driving on the part of the accused. His identity 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 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.
11. The Counsel for the State on the other hand has placed on record the custody certificate dated 21.03.2025. He contends that the

statements of the prosecution witnesses are consistent with each other and clearly established the culpability of the accused. There is sufficient evidence of the rash and negligent driving on the part of the accused. His identity has been duly established as per law. He, therefore, prays that the present petition was liable to be dismissed.

12. I have heard counsel for the parties.

13. From the evidence available on record, it stands proved beyond doubt that accused Parminder Singh was driving his bus in a rash and negligent manner, struck the scooter of Ashok Kumar causing his death. There is no doubt whatsoever regarding his identification. Minor discrepancies in the prosecution case are not fatal to the case of the prosecution.

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

15. 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.”*

16. Admittedly, the occurrence pertains to the year 2004 and as many as 20 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. 02 months and 17 days.

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

(JASJIT SINGH BEDI)
JUDGE

March 21, 2025
Vinay

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