

2025:PHHC:031329



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

CRR-2219-2010(O&M)

Date of Decision:-05.03.2025

Hardeep Singh.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. S.S. Tiwana, 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 03.02.2010 passed by Sessions Judge, Muktsar whereby the appeal filed against the judgment of conviction and order of sentence dated 30.07.2009 passed by Chief Judicial Magistrate, Muktsar has been dismissed.

2. The FIR in the present case came to be registered on 21.09.2002. The judgment of conviction was passed on 30.07.2009 by the Chief Judicial Magistrate, Muktsar. The Appeal filed against the order of conviction was dismissed on 03.02.2010 by the Sessions Judge, Muktsar. The instant revision petition was filed on 11.08.2010 and has come up for final hearing now i.e. after a period of 22 years from the date of registration of the FIR.

3. As per the prosecution story, on 21/9/2002, a police party led by ASI Waryam Singh was going on a private jeep for patrolling in villages Gandhar, Chibranwali, Khunde Halal, Lakhmireana etc. When they reached at bus stand of village Gandhar, the complainant Jaspal Singh met them and his statement was recorded. The complainant stated that they were three brothers. Out of them, one was Iqbal Singh, who was in the Punjab Home Guards and was deputed with one judicial officer at Muktsar. On that day, he (complainant) had gone to village chibranwali for domestic work. His brother Iqbal Singh also alighted from the bus in the evening. Both Iqbal Singh and he proceeded towards village. Gandhar on their respective bicycles. He was following Iqbal Singh on his bicycle. At about 6:45 p.m when they reached around 2 killas ahead of the canal, one tractor, colour red, mark EICHER with a trolley filled with earth came from the opposite side. The tractor was being driven by accused Hardeep Singh, who was previously known to him (complainant). The accused was driving the tractor trolley at a very high speed. The accused did not give any horn and took a sharp turn causing the trolley to run over Iqbal Singh and his bicycle. He (complainant) raised an alarm, but the accused succeeded to flee away from the spot with the tractor trolley. He noticed that his brother had died at the spot. In the meantime, his uncle namely Sukhdev Singh came there. He was left with the dead body and he proceeded to report the matter to the police.

4. After recording the statement, intimation was sent and the formal FIR was got registered. The police party led by ASI Waryam Singh went to the spot and prepared the inquest report. Statements of witness were recorded. The site plan was prepared. After arranging the vehicle, the dead body was sent through LC Jassa Singh and C Balwinder Singh to the civil hospital for postmortem examination. Sukhdev Singh and Jagsir Singh were

also sent there to identify the dead body. The recovered property was deposited with the MHC of P.S. Sadar, Muktsar. On completion of investigation and necessary formalities, the challan was prepared and presented in Court.

5. Charges were framed under Section 304-A and 279 IPC. The accused pleaded not guilty to the charges and he claimed trial.

6. In order to prove its case, the prosecution examined C Harvinder Singh PW1; Dr. P.N. Girdhar PW2; ASI Waryam Singh PW3: Jaspal Singh PW4 and Sukhdev Singh PW5.

7. In his statement under Section 313 Cr.PC the accused denied the allegations of the prosecution and pleaded his false implication in this case.

8. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Chief Judicial Magistrate, Muktsar vide judgment and order of sentence dated 30.07.2009 as under:-

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

Both 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, Muktsar, vide judgment dated 03.02.2010.

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

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 08.10.2010.

12. The learned counsel for the petitioner contends that the judgments of conviction are based on conjectures and surmises. There is no evidence of the rash and negligent driving of the accused. In fact 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 2002 and the case had come up for final hearing now after a gap of 22 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.

13. The Counsel for the State on the other hand has placed on record the custody certificate dated 04.03.2025. He contends that from the deposition of the witnesses, the identity of the accused stands established beyond doubt. Further there is sufficient evidence regarding the rash and negligent driving on the part of the accused causing the death of the deceased in the accident. He therefore, prays that the present petition was liable to be dismissed.

14. I have heard counsel for the parties.

15. A perusal of the evidence on record establishes beyond doubt that it was the accused who was driving the offending vehicle in a rash and negligent manner causing the accident in which the deceased succumbed to his injuries.

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

17. 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.”

18. Admittedly, the occurrence pertains to the year 2002 and as many as 22 years have passed ever since then. A perusal of the custody

certificate of the accused/petitioner 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 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 year 05 months and 12 days.

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

(JASJIT SINGH BEDI)
JUDGE

March 05, 2025
Vinay

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