

2025:PHHC:030893



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

CRR-2325-2010(O&M)

Date of Decision:-04.03.2025

Sukhdev Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Anmol Jeevan Singh Gill, 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 13.08.2010 passed by Additional Sessions Judge, Tarn Taran whereby the appeal filed against the judgment of conviction and order of sentence dated 07.08.2009 passed by Sub Divisional Judicial Magistrate, Patti, District Tarn Taran has been dismissed.

2. The FIR in the present case came to be registered on 03.11.2002. The judgment of conviction was passed on 07.08.2009 by the Sub Divisional Judicial Magistrate, Patti, District Tarn Taran. The Appeal filed against the order of conviction was dismissed on 13.08.2010 by the Additional Sessions Judge, Tarn Taran. The instant revision petition was filed on 25.08.2010 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. The brief facts of the case are that the statement of Gurdev was recorded to the effect that his cousin Jasbir Singh succumbed to the injuries caused in an accident by a bus being driven by the accused.

4. Pursuant to the registration of the FIR report under Section 173(2) Cr.PC was presented. On culmination of the Trial, the accused came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate, Patti, District Tarn Taran vide judgment and order of sentence dated 07.08.2009 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
279 IPC	Six Months	Rs.1000/-	RI for 15 days
304-A IPC	One Year	Rs.1000/-	RI for 15 Days

Both the aforesaid sentences were ordered to run concurrently.

5. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Tarn Taran vide judgment dated 13.08.2010.

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

7. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 12.10.2010.

8. The learned counsel for the petitioner contends that he does not wish to challenge the conviction of the petitioner. He however prays that 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.

9. The Counsel for the State on the other hand has filed a custody certificate of the accused/petitioner dated 04.03.2025 in the Court today, which is taken on record. He contends that the offence stands established beyond doubt. In view of the nature of the allegations leveled against the accused/petitioner, he was not entitled to the concession of reduction in sentence.

10. I have heard learned Counsel for the parties and examined the record.

11. A perusal of the evidence on record establishes beyond doubt that it was the accused/petitioner whose rash and negligent driving caused the death of Jasbir Singh. His identity also stands duly established. The medical evidence shows that the deceased suffered injuries in an accident and died. Therefore, I have no hesitation in holding that the Trial Court and the lower Appellate Court came to the right conclusion by convicting the accused. Thus, the present petition stands dismissed.

12. 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.”*

13. 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. 02 months and 06 days.

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

(JASJIT SINGH BEDI)
JUDGE

March 04, 2025
Vinay

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