

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRR-2510-2010
Date of decision : 10.11.2025

AMRIK SINGH
.....PETITIONER

Versus

STATE OF PUNJAB
..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

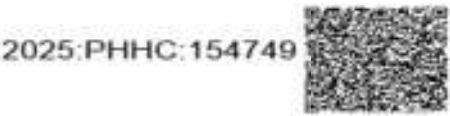
Present: Mr. Sudhir Sharma, Advocate &
Mr. Mohit Thakur, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 279/304-A IPC, the petitioner/convict hereinafter being referred to as petitioner only was sent to face trial by SHO Police Station Civil Lines, Patiala. The above-mentioned trial arose from FIR No.64 dated 02.03.2002. The trial was conducted in the Court of learned Chief Judicial Magistrate, Patiala and by virtue of judgment dated 30.04.2009, the petitioner was held guilty and convicted for the commission of offence punishable under Sections 279/304-A IPC.
2. In view of above-mentioned judgment of conviction, the order of sentence was passed and the petitioner was directed to undergo sentence as under:-

Offence(s) Section	under	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
279 IPC		RI for 03 months	250/-	RI for 07 days



304-A IPC	RI for 01 year	1000/-	RI for 30 days
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3. Aggrieved of the above judgment of conviction and order of sentence, the petitioner preferred an appeal, which has been disposed of by learned Sessions Judge, Patiala vide judgment dated 15.06.2010. The appeal of petitioner did not find favour in the Court of learned Sessions Judge and the same was dismissed.

4. Aggrieved of the above-mentioned two verdicts i.e. judgment of conviction and order of sentence dated 30.04.2009 passed by learned CJM, Patiala and judgment in appeal dated 15.06.2010 passed by learned Sessions Judge, Patiala, the petitioner has preferred the instant revision petition.

5. It has been pleaded by the petitioner that both the Courts below have fell into error of judgment while appreciating the factual matrix and the evidence adduced by the prosecution. According to petitioner, both the Courts below ignored the fact that this is the bounden duty of the prosecution to prove charges against the accused beyond the shadow of reasonable doubts, and that in the instant case the evidence adduced by the prosecution was failing to meet the above-mentioned standard.

6. While alleging that on the basis of the presumption and assumptions the evidence adduced by the prosecution has been believed by the Courts below, it has been alleged by the petitioner that both the judgments are outcome of conjectures and surmises. In view of above-mentioned grounds the petitioner has sought for accepting the instant revision petition and setting aside of both the judgments.

7. In nut-shell the facts emerging from record are that the FIR of this case came into being on the complaint of Constable Jodh Singh, City Traffic



Police Lines, Patiala. It was stated by the above-mentioned complainant that on 02.03.2002, when he was on duty at road crossing, opposite Gurudwara Dukhniwaran Sahib, at about 8.40 A.M. the bus bearing registration No. PB-10-V-9947, belonging to Libra Transport Company, came from Bus Stand side. According to complainant the above-mentioned bus was being driven at a high speed and hit a cyclist, who was moving on the same road in opposite direction. As per complainant the cyclist was badly crushed and therefore, the to complainant rushed to the spot, where bus driver also came and disclosed his name as Amrik Singh son of Sawroop Singh. It was further alleged by the complainant that the injured was shifted to Rajindra Hospital with the help of SPO Sunil Kumar and that bus driver Amrik Singh, i.e. the petitioner, also accompanied him and the matter was reported to Police Station Civil Lines. As per complainant later on he came to know that the injured had passed away.

8. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation the petitioner was arrested, who faced trial which culminated into conviction of the petitioner.

9. Heard.

10. At the threshold, learned counsel for the petitioner has argued that in the present case although the petitioner has challenged the judgment of conviction but he has instructions not to press this revision petition with regard to finding recorded by the trial Court, and affirmed by the learned Appellate Court, with regard to judgment of conviction. According to learned counsel for the petitioner the appeal with regard to judgment of conviction can be maintained.



11. In view of above-mentioned contention of learned counsel for the petitioner once the appeal with regard to judgment of conviction is not being pressed the same is hereby dismissed qua above-mentioned part of impugned judgment. In view of above, the conviction of petitioner for the commission of offence under Section 279 and 304-A IPC is hereby upheld.

12. The learned counsel for the petitioner has further contended that petitioner at the time of commission of above-mentioned offence was having clean antecedents and that the total sentence awarded to the petitioner is imprisonment for one year and out of above-mentioned sentence awarded to the petitioner he has already undergone sentence for a period of 09 months and 02 days. The learned counsel for the petitioner has contended that as 3/4th of sentence has already been undergone by the petitioner, and that the petitioner was the first offender at the time of conviction in this case, a lenient view should be taken against him and he should be sentenced to undergo imprisonment for the period he has already undergone.

13. *Per contra* the learned State counsel has argued that allegations against the petitioner are for the commission of serious offence, i.e. killing of a human being, and that the petitioner, who is a professional driver, has been found involved in reckless driving in another case also and that in the year 2011 he was booked for another offence under Sections 279/304-A IPC.

14. The record has been perused carefully.

15. A perusal of record shows that the petitioner has been held guilty for the commission of offence punishable under Sections 279/304-A IPC. The maximum punishment prescribed for the offence under Section 279 IPC is imprisonment up to 06 months only, and for the commission of offence under



Section 304-A IPC the maximum sentence which can be awarded is imprisonment up to 02 years. Against the above-mentioned sentence, which can be awarded to the petitioner, the petitioner has been sentenced to undergo rigorous imprisonment for a period of 01 year only and against the sentence of 01 year the petitioner has already undergone sentence for a period of 09 months.

16. In view of the fact that the petitioner was not having criminal antecedents at the time of commission of offence, pertaining to present case, and that he has already undergone substantial part of sentence, i.e. imprisonment for 09 months, it is hereby held that the given fact situation leads to the conclusion that ends of justice would be better served ,if the petitioner is sentenced to undergo imprisonment for the period he has already undergone.

17. In view of above-mentioned observations, it is hereby held that the present case is a case wherein there is need for interference and indulgence in the verdict rendered by the learned trial Court with regard to quantum of sentence, and that the present appeal qua above-mentioned component deserves to be allowed.

18. Hence, by partly accepting the present appeal the order on quantum of sentence is modified and the petitioner is sentenced to undergo imprisonment for a period he has already undergone in this case.

19. The present appeal stands partly allowed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

10.11.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No