



254

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-1102-2019 (O&M)  
Date of Decision:11.02.2025

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abheysher Singh, Advocate for  
Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

\*\*\*

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 06.03.2019 passed by learned Additional Sessions Judge, Ferozepur whereby judgment of conviction and order of sentence dated 20.12.2018 passed by Ld. SDJM, Zira in FIR No.156 dated 24.08.2013 under Sections 279/304-A/427 of IPC, 1860 registered at Police Station Zira, District Ferozepur, have been upheld although sentence under Section 304-A IPC was reduced from two years to one year only.
2. The petitioner was sentenced as under:

| Offence u/s | Sentence                                                                                                            | Fine      | In default of payment of fine              |
|-------------|---------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------|
| 279 of IPC  | To undergo RI for 06 months                                                                                         | ---       | ---                                        |
| 304-A IPC   | To undergo RI for 02 years<br>(Although the same was reduced from two years to one year by the Ld. Appellate Court) | Rs.5000/- | To undergo R.I. for a period of one month. |

It was ordered that both sentences shall run concurrently.

3. Brief facts of the case are that on 24.08.2013 at about 5:00 AM complainant Sukhvir Singh alongwith Gurbhej Singh were going to unload sand in Tractor Trolley to Kotkapura. The complainant was driving the Tractor. Gurbhej Singh was sitting on mudguard of Tractor on the left side. At about 5:30 AM when they had reached near Maharaja Palace, a Canter make Ashok Leyland bearing No.PB05S9498 came from backside and hit the Tractor-trolla of the complainant, without blowing horn at a high speed. The canter was being driven in a rash and negligent manner. Gurbhej Singh fell down from the tractor in between the tractor and trolla. Gurbhej Singh came underneath the tyre of the trolla and died at the spot. The driver of the Canter fled away from the spot leaving behind the Canter there. Later on, the complainant came to know about the name of the driver of the offending Canter as Ranjit Singh(petitioner). On the statement of complainant, FIR was registered.

4. Learned counsel for the petitioner submits that the judgment passed by learned trial Court is based on conjectures and surmises. The prosecution failed miserably to prove its case beyond any reasonable doubt and could never prove the fact whether death was caused on account of the alleged rash and negligent act of the petitioner. The petitioner does not have any criminal antecedents. He further submits that the trial Court failed to appreciate the fact that none of the witnesses has given evidence against the petitioner to the effect that he was driving rashly and negligently. He is facing trial for the last more than 11 years and therefore, learned trial Court ought to have considered the case of the petitioner for releasing him on probation under Section 361 Cr.P.C read with Sections 3 & 4 of the Probation of Offenders Act, 1958.

5. *Per contra*, learned State counsel supports the judgment passed by learned trial Court, while contending that the petitioner was rightly convicted and sentenced by learned Court below.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. Sections 3 & 4 of the Probation of Offenders Act empower the Courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 & 361 of the Cr.P.C, also empower the Courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in ***Som Dutt and others Vs. State of Himachal Pradesh, (2022) 6 SCC 722*** speaking through Justice Bela M. Trivedi, has held as under:-

*“6....having regard to the fact there are no criminal antecedents against the appellants, the Court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”*

8. A two Judge Bench of the Hon'ble Supreme Court in ***Lakhvir Singh Vs. State of Punjab, (2021) 2 SCC 763*** speaking through Justice Sanjay Kishan Kaul, has held as under:-

*“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life*

*is what is sought to be subserved.”*

9. In view of the aforesaid facts and circumstances, judgment passed by learned Additional Sessions Judge, Ferozepur, convicting the petitioner, is upheld, however, having regard to the fact that there are no criminal antecedents against the petitioner and he has actually undergone sentence of 02 months 25 days out of total sentence of one year, this Court is inclined to give him the benefit of probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the petitioner, it is directed that he shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- with surety of the like amount and on further furnishing an undertaking to keep the peace and good behaviour for a period of one year, to the satisfaction of learned trial Court concerned. The petitioner shall remain under the supervision of the concerned Probation Officer during the aforesaid period. It is further directed that if the petitioner fails to comply with the said directions or commit breach of the undertaking given by him, he will be called upon to undergo the sentence imposed upon him by the learned Additional Sessions Judge, Ferozepur.

10. With the aforesaid directions, instant petition stands allowed.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

**11.02.2025**

*Parveen kumar*

**(HARPREET SINGH BRAR)**  
**JUDGE**

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