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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 05.09.2025

SUBHASH SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. R.K.Arya, Advocate for the petitioner.

Mr. Rishab Singla, AAG, Punjab

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the impugned order dated 10.07.2010 passed by Id. Additional Sessions Judge, Hoshiarpur vide which the conviction order dated 24.12.2009 passed by Id. Sub Division Judicial Magistrate Dasuya, Hoshiapur was upheld.

2 The brief facts of the prosecution story is that on 18.8.2002 the complainant Gurminder Singh got recorded his statement Singh to the effect that on 18.8.2002 at 7 A.M., the complainant alongwith Piara Singh Kulwant Kaur, Paramit Kaur, Sharanjit Kaur and Ravinder Singh was travelling in a Maruti Car bearing No. PB-02-AC-8435 and when they reached near the Sahara Pool, a truck bearing No. PB-08F-2865 which was being driven in a rash and negligent manner on the wrong side of the road came and hit against the car, which resulted in Piara Singh's death at the spot and the remaining

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occupants of the Maruti car suffered grievous injuries. The truck driver ran away from the spot after the accident. The said accident had been caused due to the rash and negligent driving of the accused-petitioner. Pursuant thereto, vide order dated 24.12.2009 passed by the learned Sub Divisional Judicial Magistrate, Dasuya, the petitioner was convicted and was sentenced to undergo rigorous imprisonment for a period of 03 months under Section 279 of the IPC, rigorous imprisonment for a period of 06 months under Section 338 of IPC and rigorous imprisonment for a period of 01 year under Section 304-A of the IPC and fine of Rs. 1000/- in default to further undergo rigorous imprisonment for 07 days.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner has already undergone custody for a period of 03 months and 24 days out of the awarded sentence of 01 year and stated that the petitioner is not involved in any other case. He prays that since FIR in question pertains to the year 2002, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which is taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.

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5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2002 and he has already faced the rigors of the trial for more than 23 years.

7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP*, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the

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accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2002. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 24 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for more than three months. He is living peacefully for last two and a half decades as no report contrary to that has been received. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of Haripada Das Vs. State of West Bangal reported in (1998) 9 SCC 678 and Alister Anthony Pereira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648 and considering the facts and circumstances of the

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case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period as already undergone by him.

11. Accordingly, judgment of conviction and order of quantum of sentence dated 24.12.2009 passed by learned Sub Divisional Judicial Magistrate , Dasuya, District Hohairpur and impugned order dated 10.07.2010 passed by Id. Additional Sessions Judge, Hoshiarpur are hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 279, 338 and 304-A of IPC has been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the petitioner is directed to pay a sum of Rs. 10,000/- as compensation to the LR's of the deceased namely Piara Singh.

12. With these modifications, the present revision petition is disposed of.

13. Pending application(s), if any, shall also stand disposed of.

05.09.2025

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(H.S.GREWAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>