



CRR-2895-2010

-1-

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

209

CRR-2895-2010

Date of decision : 06.11.2025

KIRPAL SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

.. RESPONDENT

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

Present:- Mr. Himmat Singh Sidhu, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 29.09.2010 passed by Id. Additional Sessions Judge, Kapurthala vide which the judgment of conviction and order of sentence dated 01.05.2004 passed by Id. Judicial Magistrate Ist Class, Phagwara has been upheld whereby the petitioner was convicted and sentenced to undergo as under:-

Charge: Under Sections 304-A, 279, 337, 338 IPC

Sentence: To undergo rigorous imprisonment as under:

- (a) To undergo RI for a period of three months under Section 279 IPC.
- (b) To undergo RI for a period of four months and fine of Rs. 200/-, in default of payment of fine another sentence of 15 days under Section 337 IPC.
- (c) To undergo RI for a period of two years and fine of Rs. 500/-, in default of payment of fine to suffer sentence for another period of one month under Section 304-A IPC.

All the sentences were ordered to run concurrently.



CRR-2895-2010

-2-

2. The case of the prosecution is that on 23.01.2000, Police Station Rawalpindi received a telephonic information that some persons had been admitted to Civil Hospital, Phagwara, and Gandhi Hospital, Phagwara, after sustaining injuries in a collision between a truck and a car near the village Rihana Jattan. Acting on this information the Investigating Officer along with his police party, reached Civil Hospital, Phagwara, where the doctor informed him that two injured persons, namely Rohit Bhandari and his mother Lalita Bhandari, had been brought there. However, as Rohit Bhandari was in a critical condition, he had been referred to Daya Nand Medical College and Hospital, Ludhiana. Thereafter, the Investigating Officer proceeded to Gandhi Hospital, Phagwara, where the attending doctor stated that four injured persons namely Kewal Krishan, Paramjit Singh, Bhagwan Dass, and Veena Rani Gupta had been admitted there. Out of them, Bhagwan Dass, his wife Veena Rani Gupta, and Satya Devi were referred to Awasthi Hospital, Ludhiana, while Kewal Krishan and Paramjit Singh succumbed to their injuries at Gandhi Hospital, Phagwara, and their bodies were kept in the mortuary.

3. Finding no eyewitnesses at the spot, the Investigating Officer left Constable Gurpal Dass in charge of the dead bodies and proceeded to Awasthi Hospital, Ludhiana. There, he recorded the statement of the complainant, Bhagwan Dass, who stated that he is a resident of Ludhiana and engaged in the business of manufacturing electrical goods. On the day of the incident, he, along with his wife Veena Rani Gupta, his neighbour Kewal Krishan, Kewal Krishan's wife Lalita Bhandari, their son Rohit Bhandari, and his mother Satya Devi Bhandari, were travelling to Mata Chintpurni in a Ceilo car bearing



CRR-2895-2010

-3-

registration No. HR-26-2738, belonging to his friend Ramesh Lal. At about 9:00 a.m., when their car was about 2.5 to 3 kilometres short of village Rihana Jattan, a truck bearing registration No. DL-1G-2820, driven rashly and negligently on the wrong side of the road by its driver, later identified as Kirpal Singh, came at a high speed and struck one side of their car, causing severe damage. All the occupants sustained injuries. Subsequently, another vehicle a Santro car bearing registration No. PB-10AH-4891, driven by Surjit Kumar collided with their car from behind. One of the drivers removed Lalita Bhandari and Rohit Bhandari to Civil Hospital, while the complainant and other injured persons were taken to Awasthi Hospital, Ludhiana.

4. 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 undergone custody for a period of 05 months and 06 days out of the awarded sentence of two years. The petitioner is not involved in any other case. He prays that since FIR in question pertains to the year 2000, a lenient view may be taken while passing an order on quantum by this Court.

5. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which are 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. He has not refuted the fact that the petitioner is not involved in any other case.

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



CRR-2895-2010

-4-

7. The FIR in the present case pertains to the year 2000 and he has already faced the rigors of the trial for more than 25 years.

8. 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 petitioner, 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.

9. Further, a Division 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 accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



CRR-2895-2010

-5-

10. A perusal of the judgment of conviction passed by the Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

11. 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 2000. 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 25 years and has been in the corridors of the court for this prolonged period. 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 Bengal* 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 case, age of petitioner, his status in the society and the fact that they 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.



CRR-2895-2010

-6-

12. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Judicial Magistrate Ist Class, Phagwara are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Sections 304-A, 279, 337, 338 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. 30,000/- as compensation to the LR's of the deceased within a period of one months. In case of non-deposit of compensation awarded within the stipulated period the trial court is directed to initiate the proceedings to recover the same from the petitioner in accordance with law.

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

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

06.11.2025

*renu***(H.S.GREWAL)
JUDGE**

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