

CRR-835-2010 (O & M)

2025:PHHC:002552



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(204)

CRR-835-2010 (O&M)
Date of Decision: 10.01.2025

Suresh @ Mintu

... .Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ajit Sihag, Advocate, for the petitioner.
Mr. Ravish Kaushik, Addl.A.G., Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 05.03.2010 passed by Additional Sessions Judge (Fast Track Court), Bhiwani whereby the appeal filed against the judgment of conviction and order of sentence dated 14/15.01.2008 passed by Sub Divisional Judicial Magistrate, Loharu has been dismissed.

2. The FIR in the present case came to be registered on 09.04.2001. The judgment of conviction and order of sentence was passed on 14/15.01.2008 by the Sub Divisional Judicial Magistrate, Loharu. The



Appeal filed against the order of conviction was dismissed on 05.03.2010 by the Additional Sessions Judge, (Fast Track Court) Bhiwani. The instant revision petition was filed on 08.03.2010 and has come up for final hearing now i.e. after a period of 24 years from the date of registration of the FIR.

3. The brief facts, necessary for the disposal of the present appeal are that on 9.4.2001, upon receipt of a VT message in the police station, Behal from Incharge, Police Post, General Hospital, Bhiwani, regarding admission of Naresh son of Hawa Singh, resident of village Patwan in Emergency Ward in a dead condition, Assistant Sub Inspector Jagdish reached there and recorded the statement of the father of the deceased, namely, Hawa Singh, wherein, he stated that he was a resident of village Patwan and agriculturist by profession. On that day, at about 7.00 AM his son Naresh had gone to the Employment office at Loharu for registration of his name. At about 11.30 AM, he received a telephone call from one Ram Chand son of Partap Singh, resident of village Patwan that he and Naresh were going to Loharu from Obra Chowk, in a jeep, owned by Het Ram son of Khushi Ram, resident of village Patwan and when the jeep reached about 200 yards of the bus stand of village Badru, its driver dashed the jeep against a tractor-trolley driving it in a rash and negligent manner. Due to the impact, Naresh received multiple injuries and was referred to General Hospital, Bhiwani from Loharu. On this, he and Rattan Singh, Sarpanch of the village, rushed to Bhiwani. His son died due to the injuries received in the accident which occurred at about 8.30 AM. The name of the driver of



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the jeep, its number and the name of the tractor could be disclosed by Ram Chander and Het Ram because they were traveling in the said jeep. On the basis of the statement, a formal FIR was registered and investigation was set into motion.

4. During the course of investigation, rough site plan of the place of occurrence was prepared. Statements of witnesses under Sections 161 Cr.P.C. were recorded. The post mortem examination of the dead body was got conducted. The vehicles involved in the accident were taken into possession and got mechanically examined. The accused-petitioner was arrested. After completion of investigation, report under Section 173 Cr.P.C. was submitted in the Court against the accused-petitioner for the offences under Sections 279 and 304-A of the Indian Penal Code.

5. To prove and substantiate its case, the prosecution examined as many as eight witnesses, namely Dr. Jitender Jakhar PW1, ASI Jaipal Singh PW2, Dr. Rakesh Kumar PW3, complainant Hawa Singh PW4, Ram Chander PW5, Ramrakh PW6, EHC Babu Lal PW7, ASI Jagdish Singh PW8 and tendered certain documents.

6. After closure of the prosecution evidence, the statement of the accused-petitioner was recorded under Section 313 Cr.P.C. wherein he denied all the allegations leveled against him by the prosecution and pleaded his innocence and false implication. However, the accused-petitioner did not lead any evidence in his defence and closed his evidence.



7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate Loharu vide judgment of conviction and order of sentence dated 14/15.01.2008 as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
279 IPC	RI for 06 months	Rs.400/-	--
304-A IPC	RI for 01 year	Rs.500/-	RI for 02 months

Both the sentences were ordered to run concurrently.

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, (Fast Track Court), Bhiwani, vide judgment dated 05.03.2010.

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

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 06.05.2010.

11. The counsel for the accused/petitioner contends that the judgment of conviction and order of sentence was passed on the basis of conjectures and surmises. There is no evidence of the rash and negligent driving on the part of the accused-petitioner. The identity of the accused-petitioner has not been established as per law. The case is based on *hear say* evidence as the complainant was only told about the occurrence. In



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addition, he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 2001 and the case had come up for final hearing now after a gap of 24 years, the accused/petitioner may be released on probation subject to payment of compensation.

12. The Counsel for the State on the other hand has referred to the custody certificate dated 12.01.2019, as per which the accused-petitioner has undergone 02 months and 04 days out of his substantive sentence. While referring to the record, he contends that the prosecution witnesses had deposed consistently as to the manner in which the occurrence had taken place. There were no discrepancies in their statements as has been sought to be argued. Therefore, the present petition was liable to be dismissed.

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

14. The investigation in the present case has been conducted by ASI Jagdish Singh (PW-8) and clearly establishes the manner in which the occurrence took place and how the accused-petitioner came to be nominated as an accused. PW-5 Ramchander who was also with the deceased has described in detail how the occurrence took place and duly identified the accused-petitioner. The testimony of PW-6 Ramrakh also supports the prosecution case. Therefore, the rash and negligent driving of



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the accused-petitioner stands established beyond reasonable doubt. Therefore, I find no infirmity in the judgments of the Trial Court as well as of the lower Appellate Court. Resultantly, the present revision stands dismissed.

15. 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.



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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 aforesaid 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.*



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25. *Petition is disposed off, accordingly.”*

16. Admittedly, the occurrence pertains to the year 2001 and as many as 24 years have passed ever since then. A perusal of his custody certificate 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.1,00,000 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 04 days.

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

(JASJIT SINGH BEDI)
JUDGE

January 10, 2025
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No