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

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CRR-70-2011

Date of decision : 21.05.2025

Pardeep Kumar

... Petitioner

Versus

State of Punjab

.. Respondent

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

Present:- Ms. Manveen Kahlon, Advocate for the petitioner.  
Mr. Gautam Thapar, Sr. DAG, Punjab.

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**H.S. Grewal, J.(Oral)**

1. The present petition has been preferred by the petitioner against the judgment dated 16.12.2010 passed by Appellate Court whereby the judgment of conviction and order of sentence dated 22.02.2007 passed by learned JMIC, Pathankot in FIR No.166 dated 30.06.2000 under Sections 279, 337, 338, 304-A, 427 of IPC registered at Police Station Sadar, Pathankot convicting and sentencing the appellant under Section 304-A of the IPC for rigorous imprisonment for a period of two years, has been modified and reduced to the extent of rigorous imprisonment of one year and the appeal was dismissed.

2. The case of the prosecution is that the complainant along with his wife and son had gone to Delhi and thereafter they went to Haridwar. On 29.06.2000, they boarded the bus and started journey at about 5:00 P.M from Haridwar to Jammu. When they reached near Pathankot, the driver suddenly applied the brakes due to which bus struck against the wall and overturned due to which his wife died at the spot and other passengers also suffered injuries. Pursuant thereto, vide judgment and order dated 22.02.2007 passed by learned



JMIC, Pathankot the petitioner was convicted and sentenced to undergo imprisonment as enumerated above. Thereafter, he preferred an appeal against the judgment and order dated 22.02.2007, wherein his sentence was reduced to one year rigorous imprisonment by the Appellate Authority.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 16.12.2010 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone a period of 02 months and 15 days out of total sentence of 01 year. He further prays that since the FIR in question pertains to the year 2000, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate dated 20.05.2025 on the ground that the learned Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record. He submits that the petitioner is not entitled for any leniency as he has caused a death due to rash and negligent driving.

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

6. The petitioner is not involved in any other case. Moreover, the FIR in the present case pertains to the year 2000 and the petitioner has already faced the rigors of the trial for more than 15 years.

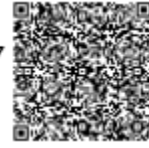
7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is



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-Judges 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.

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.



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10. Since the FIR in the present case was registered on 30.06.2000 and the petitioner has been suffering the agony of trial since the last more than 15 years. The claimants have already been compensated in this case by the MACT and the petitioner has undergone total sentence undergone a period of 02 months and 15 days out of total sentence of 01 year and keeping in view the fact the FIR is of the year 2000 and the petitioner has faced the rigors of trial for a period of more than 15 years and therefore, while taking a lenient view, this Court is of the opinion that it would be in the interest of justice if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. In view of above, the present revision petition is **disposed of** by upholding the judgment dated 16.12.2010 passed by the Appellate Court to the extent of conviction, the same is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the amount of fine imposed upon the petitioner shall remain the same.

21.05.2025

*renu*

Whether speaking/reasoned

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(H.S.GREWAL)

JUDGE

Yes/No

Whether reportable

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Yes/No