

**CRR-2245-2015 (O&M)****1****220 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRR-2245-2015 (O&M)****Date of Decision: 14.02.2025****AJIT SINGH****...Petitioner****Versus****RAJESH KUMAR****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Harvinder Singh, Advocate and
Mr. C.S. Jattana, Advocate for the petitioner.

None for the respondent.

*********Harpreet Singh Brar, J. (Oral)**

1. Instant revision petition is filed against the judgment dated 27.04.2015 passed by learned Additional Sessions Judge, Bathinda vide which judgment of conviction dated 05.12.2013 passed by learned Additional Chief Judicial Magistrate, Bathinda convicting the respondent under Sections 279, 337 and 338 of IPC, was upheld and order on quantum of sentence dated 05.12.2013 was modified by reducing the sentence of Section 338 IPC from one year to 06 months and remaining sentence and total fine of Rs. 1,200/-, with default mechanism was maintained in case bearing FIR No. 50 dated 12.05.2010 registered at Police Station Sadar Bathinda. In this petition, the petitioner is seeking enhancement of substantive sentence from six months to one year as awarded to the accused-respondent by learned trial Court.

2. Brief facts of the prosecution case are that on 08.05.2010 on receipt of information regarding accident, HC Angrej Singh reached at the spot. Thereafter, he received a telephone from DCR Bathinda regarding the fact that Ranjit Kaur wife of Ajit Singh has been admitted in hospital. Thereafter, ASI

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Balraj Singh reached Bharat Brain hospital and taken the opinion of the doctor regarding fitness of injured. Doctor reported that patient is unfit to make the statement. Thereafter, they received another telephone from DCR Bathinda that Ajit Singh son of Ujagar Singh and Ranjit Kaur wife of Ajit Singh have been admitted in civil hospital, Bathinda due to accident. Thereafter, HC Angrej Singh reached civil hospital and taken the opinion of doctor who reported that patient Ajit Singh has been discharged and Ranjit Kaur has been referred to some other hospital. Thereafter, they got recorded the statement of Ajit Singh to the effect that "he is resident of village Gatwali and is a graduate and is an agriculturist. On 08.05.2010 he alongwith his wife Ranjit Kaur were going from Bathinda to Talwandi Sabo on Hero Honda Splender motor cycle bearing No.PB-03L-5392. They were going to their village Gatwali, when at about 10.30 a.m, they reached near Kailewander Head, then a car came at a high speed from Bathinda and driver of the car was driving the car in a negligent manner. Thereafter, he struck the car in their motor cycle, due to which they fell down and his wife suffered injuries on her head. He also received injuries and Motor cycle was also damaged. His wife suffered grievous injuries on the head and she became unconscious. Thereafter, driver Goldi to whom he was known to earlier, came there and after seeing grievous injuries, he ran away from the spot, after leaving his car No.PB-03S-100. Thereafter, they were admitted in hospital, but doctor referred his wife to Bharat Brain hospital. He got discharged from civil hospital and is taking treatment from the private doctor." On the basis of aforesaid allegations, FIR(supra) was lodged. Rough site plan of the place of occurrence was preparad. Statement of witnesses were recorded. Accused was arrested. Statements of witnesses were recorded. After completion of the



3. Learned trial Court after assessing the material available on record convicted the accused-respondent under Sections 279, 337 and 338 of Indian Penal Code and sentenced him to undergo rigorous imprisonment for one year with total fine of Rs. 1,200/- with default mechanism. However, learned lower Appellate Court vide judgment dated 27.04.2015 reduced the sentence from one year to 06 months.

4. Learned counsel for the petitioner contends that the learned lower Appellate Court fell into error by reducing the sentence awarded to respondent-accused from one year to 06 months and the same is based on untenable grounds. The charges against the private respondent-accused stand duly proven by all the prosecution witnesses and as such, the learned Court below ought not to have awarded him such a small sentence. Accordingly, he prays that substantive sentence of 06 months awarded to the respondent-accused be enhanced.

5. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, this Court is of the considered opinion that the judgment of conviction indicates no perversity that would warrant any interference. Accordingly, the conviction of the respondent is maintained. However, keeping in view the post-conviction conduct of the respondent, this Court deemed it appropriate to reduce his sentence to the custody already undergone by him vide judgment dated 22.01.2025 passed in CRR-1659-2015.

6. In *Deo Narain Mandal Vs. State State of UP (2004) 7 SCC 257*, a three Judge bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and

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a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, 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.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP AIR 2017 SC 1166***, has reiterated 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. In view of the discussion above, present petition stands dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

14.02.2025*Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>