

**CRR-3988-2014 (O&M) 1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRR-3988-2014 (O&M)
Date of Decision: 11.11.2025****Raj Kumar****.....Petitioner****Vs.****State of Punjab****.....Respondents****CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. P. S. Sullar, Advocate, for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 28.08.2014 passed by the learned Additional Sessions Judge, Mohali, whereby the judgment of conviction and order of sentence dated 08.06.2012 passed by the learned Sub Divisional Judicial Magistrate, Dera Bassi, has been upheld. Vide the said judgment, the petitioner was convicted for the offences punishable under Sections 279, 338, and 304-A of the IPC and sentenced to undergo rigorous imprisonment for a period of two years, along with a fine of ₹2,000/-, and in default of payment of fine, to further undergo simple imprisonment for a period of one month.

2. The case of the prosecution, in brief, is that on 10.06.2007, the complainant was riding his scooter bearing No. HR-01-H-4818, while his son, Jaswinder Singh, along with Navneet Singh @ Navi, son of Gurbachan Singh (cousin brother of the complainant's daughter-in-law), were riding a motorcycle bearing No. CH-034-7510. They left their village for Zirakpur at about 7:45 p.m. in connection with some domestic work. When they reached a



point slightly ahead of village Lohgarh, a car bearing No. CH-03-P-2678 (make Accent), being driven in a rash and negligent manner at a high speed by its driver, came from the opposite direction and struck the motorcycle driven by Jaswinder Singh. As a result of the impact, Jaswinder Singh and Navneet Singh sustained injuries and the motorcycle was damaged. The name of the driver of the alleged motorcycle later found to be Raj Kumar, son of Gurdev Singh, resident of Budha, Police Station Zirakpur. Both injured persons were taken to GMCH, Sector-32, Chandigarh, where Navneet Singh succumbed to his injuries, and Jaswinder Singh was referred to PGI, Chandigarh. Thereafter, a formal FIR, i.e., FIR No. 106 dated 11.06.2007, was registered under Sections 279, 338, and 304-A IPC at Police Station Zirakpur against the driver of the offending vehicle. After considering the evidence and hearing both sides, the learned trial Court convicted Raj Kumar and sentenced him to undergo two years' imprisonment. Aggrieved therefrom, Raj Kumar preferred an appeal before the learned appellate Court, which upheld the conviction and sentence. Still aggrieved, the petitioner has filed the present revision petition before this Court.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 28.08.2014 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 07 months and 12 days out of total sentence of 2 year. He further prays that since the FIR in question pertains to the year 2007, 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 10.11.2025 and submits that the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record.

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

6. The petitioner has been convicted for rash and negligent driving and for causing death of a person, for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2007 and the petitioner has already faced the rigours of the trial for more than 18 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 Courts below indicate 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. Since the FIR in the present case was registered on 11.06.2007 and the petitioner has been suffering the agony of trial since the last more than 18 years and the fact that the FIR is of the year 2007 and the petitioner has faced the rigours of trial for a period of more than 18 years, 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 of conviction dated 28.08.2014 passed by the learned Additional Sessions Judge, Mohali, however the order of sentence dated 28.08.2014 is modified to the extent that the sentence of rigorous imprisonment for a period of 2 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 is enhanced to ₹10,000/-, which shall be paid to the legal representatives of the deceased within a period of one month from the date of receipt of certified copy of this order.

12. Pending applications, if any, shall stand disposed of.

11.11.2025
anil

(H.S. GREWAL)
JUDGE

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No