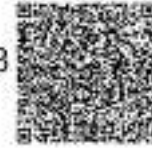


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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2025:PHHC:158478



CRR-690-2015 (O&M)
Date of Decision : 10.11.2025

Satnam Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vicky Sharma, Advocate, for
Mr. K.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J.(Oral)

The present criminal revision petition has been preferred against the judgment of conviction and order of sentence dated 11.02.2013 passed by the Additional Chief Judicial Magistrate, Sangrur, in case bearing Challan No.210 dated 11.01.2020 arising out of FIR No.214 dated 01.11.2009, under Sections 279, 304-A and 427 of the Indian Penal Code, 1860, registered at Police Station Bhawanigarh, District Sangrur, whereby the revisionist-

petitioner has been convicted and sentenced as under:-

Name of convict	Offence under Section	Sentence
Satnam Singh	279 IPC	Fine of Rs.500/-. In default thereof, to undergo RI for one month.
	304-A IPC	Rigorous imprisonment for one year and fine of Rs.2000/- and in default thereof to further undergo rigorous imprisonment for a period of four months.

All the sentences were ordered to run concurrently.

A further challenge is made also to the judgment dated 10.02.2015 passed by the Additional Sessions Judge, Sangrur, vide which appeal filed by the petitioner has been dismissed.

2 In brief, the prosecution case is that Shingara Singh, son of Ram Singh. Shingara Singh, a resident of village Majhi and an agriculturist by occupation, recorded his statement before ASI Avtar Singh and stated that on the night of 31.10.2009, he, along with his nephew Lakhvir Singh and one Manpreet Singh @ Mani, was travelling towards village Mehlan, Police Station Sunam, to attend the marriage of his niece, Harwinder Kaur. His nephew Lakhvir Singh was riding ahead on his Bullet motorcycle bearing registration No. PB-11-AK-4783. The complainant was following on another motorcycle, with Manpreet Singh as a pillion rider. At about 8:30 p.m., when they reached near the house of Paramjit Singh, former Sarpanch of village

Gharachon, situated on the main road, a tractor-trolley loaded with bricks approached from the Sunam side. The said tractor-trolley was being driven at a very high speed, in a rash and negligent manner, and struck the motorcycle of Lakhvir Singh. As a result, Lakhvir Singh sustained multiple grievous injuries and his motorcycle was extensively damaged. The driver of the tractor-trolley fled from the spot, abandoning the vehicle. The complainant later came to know that the said driver was Satnam Singh, son of Inder Singh. With the help of Manpreet Singh and other persons present, Lakhvir Singh was shifted to the Civil Hospital, Sangrur, where he succumbed to his injuries. The complainant attributed the accident solely to the rash and negligent driving of the accused. On the basis of his statement, the present FIR was registered. ASI Avtar Singh thereafter visited the place of occurrence and prepared the site plan. The post-mortem examination of the deceased was conducted. Photographs of the accident site were taken. The damaged motorcycle, along with its Registration Certificate, and the offending tractor-trolley were taken into police possession under separate memos. Statements of witnesses were recorded. On 03.11.2009, the accused was arrested. He produced photocopies of the Registration Certificate of the tractor-trolley and his driving licence, which were taken into police custody, after which he was released on bail.

3 On completion of investigation, final report under Section 173 Cr.P.C. was filed in the Court and documents were supplied to the accused-petitioner free of costs.

4 Finding a prima facie case having been made out, the petitioner was chargesheet for the commission of offence punishable under Sections 279, 427 and 304-A of the Indian Penal Code, 1860.

5 In order to substantiate its case, the prosecution examined nine witnesses, namely PW-1 SI Avtar Singh, PW-2 HC Avtar Singh, PW-3 Dr. Sanjiv Aggarwal, PW-4 Bant Singh, PW-5 Shingara Singh, PW-6 Manpreet Singh, PW-7 Kali Charan and PW-8 Harwinder Singh and produced as many as 18 documents.

6 No other prosecution witness/evidence was examined or produced and lastly the evidence of prosecution was got closed.

7 The statement of the petitioner was recorded under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances and evidence appearing on record were put to him. The petitioner denied the allegations in their entirety, described the prosecution case and evidence as false and fabricated, and asserted his innocence.

8 In his defence evidence, petitioner examined DW-1 Kulwant Singh, DW-2 Santokh Singh. No other defence evidence/witness was produced by accused during the phase of his defence evidence and lastly the defence evidence of accused as got closed.

9 After considering the arguments advanced, the testimonies of witnesses, and the evidence placed on record, the Trial Court, vide judgment dated 11.02.2013, held the petitioner guilty of offences punishable under Sections 279 and 304-A of the Indian Penal Code, 1860 and accordingly sentenced him as stated above.

10 Aggrieved by the aforesaid judgment of conviction and sentence, the petitioner preferred Criminal Appeal No. 148 dated 01.03.2013 before the Court of the learned Additional Sessions Judge, Sangrur. However, vide judgment dated 10.02.2015, the said appeal was dismissed, thereby affirming the conviction and sentence, hence, the present revision petition.

11 After arguing the matter at some length, counsel for the petitioner does not press the present revision petition on merits and contends that he would confine his challenge only to the quantum of punishment that has been so awarded. He submits that the claim of the petitioner for being given benefit of probation has not been considered even though he fulfilled all the pre-requisites for such benefit. The following mitigating circumstances are pointed out by the counsel for the petitioner.

(i) The incident in question occurred in October 2009, and more than sixteen years have since elapsed. At the time of the incident, the petitioner was approximately 33 years old and he has either prior to the above accident or thereafter, not been involved in any other criminal activity.

(ii) That the incident in question was an unfortunate and purely accidental occurrence, having taken place without any intention or overt act on the part of the petitioner.

(iii) The petitioner has endured the ordeal of a prolonged criminal trial spanning over sixteen years. He was in his early thirties at the time of the incident and is now nearly 50 years of age.

(iv) The petitioner was a government servant and was serving as Panchayat Secretary at E.O. P.S. Samana, District Patiala.

(v) The petitioner is the sole earning member of his family. His children are now at crucial stages of career. Directing the petitioner to undergo his remaining sentence would have devastating consequences for the family.

(vi) The parties have also entered in a settlement with mother of the deceased and she would have no objection to the modification of sentence of the petitioner. The written settlement dated 29.02.2016 is taken on record as Mark 'A'.

12 State counsel, on the other hand, contends that both the Courts have examined the evidence brought on record and concurrently recorded a finding of conviction against the petitioner. In a revisional jurisdiction, neither new line of defence can be adopted nor any reappraisal of the evidence can be undertaken. There is no illegality or perversity that has been pointed out by the petitioner, hence, there is no occasion that would call for upsetting the findings recorded or the sentence awarded and affirmed by the Courts.

13 I have heard learned counsel for the parties and have gone through the impugned judgments.

14 Before considering the plea of the petitioner for grant of probation, the legal position for availing the benefit of probation needs to be kept in mind.

15 The aims and object of the Probation Act came to be decided by the Hon'ble Apex Court in the case of *Jugal Kishore Prasad v. State of Bihar reported as (1972) 2 SCC 633 and further reiterated in Chellammal and Another v. State reported as 2025 SCC Online SC 870*. As per the settled principles of law governing the grant of probation, the benefit of probation is ordinarily extended to cases where the circumstances indicate a mere minor conflict with law instead of inherent criminal propensity or conduct reflecting a hardened or incorrigible disposition. The object of the Probation of Offenders Act is reformatory and rehabilitative and not punitive. It aims to reintegrate an offender into the mainstream of society where such reintegration appears feasible.

16 In the present case, there is nothing on record to reflect that the petitioner possesses a criminal bent of mind or that his conduct poses any threat to society. Hence, by the broader principles of criminal jurisprudence, no adverse presumption can be drawn against him.

17 The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work "Criminology," observed that: -

If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

18 Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.

19 While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility

of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.

20 While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by *mens rea*.

21 The case in hand is yet another where interest of justice would warrant a reformatory approach in precedence to a punitive or retributive approach. It is not the function of the judges to seek the transformation of human nature itself, but rather to shape the framework within which individuals perceive that adherence to the law aligns with their own best interests.

22 Taking into consideration the facts and circumstances of the present case and the mitigating circumstances enumerated above, I deem it appropriate to direct release of the petitioner on probation on furnishing an undertaking of keeping peace and good behaviour for two years to the

satisfaction of the concerned Judicial Magistrate. The petitioner shall also remain under the supervision of the concerned probation officer during the aforesaid period. In the event of the petitioner failing to comply with the said direction or committing breach of the undertaking given by him, he shall be called upon to undergo the remaining period of sentence imposed upon him in the present case.

23 As Montesquieu observed, the certainty of mild yet consistent punishment serves as a far greater deterrent than the transient severity of harsh sentences. Guided by this enduring principle, it is directed that the petitioner shall also be liable to perform community service of plantation of 50 indigenous trees by approaching the Divisional Forest Officer, Sangrur and for their maintenance for a period of 05 years.

24 In the event of the petitioner not being in the capacity to deposit the cost of maintenance for a period of 05 years, he shall offer his services to the department of forests to set off the said cost as per the wages of an unskilled workers equal to adequate labour men hours for the equivalent period as prescribed by the concerned Deputy Commissioner.

25 The instant petition is *partly allowed*.

26 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

November 10, 2025.
aaj arora

(VINOD S. BHARDWAJ)
JUDGE

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