



IN THE HIGH COURT OF PUNJAB AND
HARYANA
AT CHANDIGARH

249

CRR-1127-2024 (O&M)
Date of decision: 04.12.2025

GURMUKH SINGHPetitioner

VERSUS

STATE OF HARYANARespondent

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

Present: Mr. Bhavesh Puri, Advocate (as Legal Aid Counsel)
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J.(Oral)

The present revision petition has been preferred against the judgment of conviction dated 07.03.2014 and order of sentence dated 11.03.2014 passed by the Judicial Magistrate 1st Class, Karnal, whereby the petitioner has been convicted and sentenced as follows:

Offence under Section	Sentence
279 IPC	Convict shall undergo simple imprisonment for a period of six months.
337 IPC	Convict shall undergo simple imprisonment for a period of six months along with a fine of Rs.500/-.

304A IPC	Convict shall undergo simple imprisonment for a period of one year, along with a fine of Rs.1500/- and to further undergo simple imprisonment for a period of 30 days in default thereof.
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in case arising out of FIR No. 85 dated 26.05.2008 registered under Sections 279, 337 and 304-A of the IPC at Police Station Taraori and also against the order dated 29.10.2016 passed by the Additional Sessions Judge, Karnal, whereby the appeal filed by the petitioner has been dismissed on the ground of limitation.

2. The FIR in the present case had been registered on the statement of Harishanker that on 26.05.2008 at about 8.30 AM, he along with his wife Vandana, his brother-in-law Kishore and his wife Lalita, his father-in-law Mahesh Chand Sharma, his mother-in-law Sudha Sharma and his wife's grandmother namely Saraswati Devi and four children left Naina Devi (Himachal Pradesh) in a Tavera bearing no. DL-4CAD-0488 for Delhi. Surinder Singh was driving the said vehicle. He further submitted that at about 1.30 PM, when they reached Modern Diary, G.T.Road near Shamgarh, a Mahindra Bolero, being driven in a rash and negligent manner, came from the Karnal side and struck his vehicle after crossing over the divider. Due to the collision, both accidented vehicles fell into ditches and the complainant's mother-in-law and his wife's grandmother died on the spot. He further submitted that Vandana and Archna also sustained injuries in the said accident. Thereafter, the driver of the offending vehicle fled away from the spot after leaving the Mahindra Bolero. During the course of the investigation, the accused was arrested.

3. On completion of the procedural compliances, parties led their respective evidence. The prosecution examined the following sixteen prosecution witnesses and closed the evidence:

PW-1	Complainant Harishanker
PW-2	Mahesh Chand Sharma
PW-3	C.Rishi Pal
PW-4	HC Krishan Kumar
PW-5	Vandana
PW-6	Santnam Singh
PW-7	SI Jai Parkash
PW-8	ASI Sukhpal
PW-9	Kuldeep Bhardwaj
PW-10	ASI Randhir Singh
PW-11	Dr.S.P.Singhal
PW-12	Parvesh Chand
PW-13	Dr. Munish Garg, Medical Officer
PW-14	Archana Bhardwaj
PW-15	Roop Kishore Sharma
PW-16	ASI Sultan Singh

4. The entire evidence was put to petitioner and his statement under Section 313 Cr. P.C. was recorded. He denied the same but led no evidence in defence.

5. On consideration of the evidence and after hearing the arguments, the petitioner was convicted by the Judicial Magistrate 1st

Class, Karnal vide judgment dated 07.03.2014 and sentenced as mentioned above. Appeal against the order of conviction & sentence was dismissed by the Additional Sessions Judge, Karnal, vide order dated 29.10.2016. Hence, the present petition.

6. It is noticed that the instant petition pertains to the year 2024, however, no one has entered appearance on behalf of the petitioner, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Bhavesh Puri, Advocate, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of the petitioner to arrive at a decision. Learned counsel for the petitioner contends that he does not wish to challenge the conviction and confines his prayer only to the sentencing part. He submits that the present matter pertains to the year 2008. It is further submitted that the petitioner has already undergone an actual custody of 9 months out of the total sentence of 01 year before his sentence was suspended by this Court vide order dated 10.03.2025. Hence, the factual matrix and merits of the case are not being examined at this stage. Counsel further submits that the alleged incident occurred in 2008 and that the petitioner has faced the agony of a protracted trial for nearly 17 years. Accordingly, it is prayed that the sentence imposed upon the petitioner be reduced to the period already undergone.

7. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent, reliable, and convincing evidence brought on record during the trial.

It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for imposition of a stringent sentence. The

learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

8. I have heard learned counsel representing the parties and have gone through the case record.

9. The Hon'ble Supreme Court in the matter of **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption. The relevant extract of the said judgment is reproduced hereinbelow:-

12. India, till date, does not have a statutory sentencing policy in place. This Court, however, has proceeded to examine the objective behind sentencing and the factors to be kept in mind while imposing such punishments. In Mohd. Giasuddin v. State of A.P. [Mohd. Giasuddin v. State of A.P., (1977) 3 SCC 287 : 1977 SCC (Cri) 496] (two-Judge Bench),

it stood observed that : (SCC pp. 290 & 293-94, paras 9 & 16-17)

“9. ... Crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an “in terrorem” outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind.

16. ... ‘A proper sentence is the amalgam of many factors such as the nature of the offence, the circumstances — extenuating or aggravating — of the offence, the prior criminal record, if any, of the offender, the age of the offender, the record of the offender as to employment, the background of the offender with reference to education, home life, sobriety and social adjustment, the emotional and mental conditions of the offender, the prospects for the rehabilitation of the offender, the possibility of return of the offender to normal life in the community, the possibility of treatment or training of the offender, the possibility that the sentence may serve as a deterrent to crime by the offender or by others and the current community need, if any, for such a deterrent in respect to the particular type of offence. These factors have to be taken into account by the Court in deciding

upon the appropriate sentence. [As observed in Santa Singh v. State of Punjab, (1976) 4 SCC 190 at p. 191 : 1976 SCC (Cri) 546] ’

17. It will thus be seen that there is a great discretion vested in the Judge, especially when pluralistic factors enter his calculations. ... innovation, in all conscience, is in the field of judicial discretion.”

(emphasis in original)

10. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of the dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court to extend opportunity to a convict for reforming himself. The principles of proportionality have to be balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

11. A nine judge bench of the Supreme Court of the United States, in *Dennis Councle McGautha v. State of California* reported as 402 U.S. 183 (1971), observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences. The Court further cautioned against rigidly prescribing or mandating uniform standards for sentencing, emphasizing that the principles governing punishment must

depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

12. In the aforesaid backdrop, and keeping in view the established legal principles governing sentencing, it becomes imperative to evaluate the mitigating circumstances relevant to the present case. The same are, therefore, extracted as under:—

- i. The incident in question pertains to the year 2008, and nearly 17 years have elapsed since then. The petitioner has thus suffered the ordeal and anguish of protracted criminal proceedings spanning over a period of 17 years.
- ii. Although the petitioner is alleged to have been driving the Mahindra Bolero in a rash and negligent manner, which allegedly resulted in the occurrence of the accident, he did not run away after the accident as recorded by the Judicial Magistrate 1st Class, Karnal, in the order of sentence dated 11.03.2014.
- iii. There is no record of the petitioner having been involved in any other similar criminal offence, either during the pendency or after the conclusion of the present case, indicating that the petitioner has reformed himself and successfully reintegrated into the mainstream of society.
- iv. The penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities, particularly when the offender has exhibited genuine

reformative conduct. The sentence, therefore, warrants suitable modification to reflect recognition and encouragement of such good behaviour.

v. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse and rehabilitation, the emphasis must shift from retribution to reintegration into society.

13. Taking into consideration the facts noticed above and that the petitioner has faced the rigour of criminal prosecution for nearly 17 years since the registration of the FIR and as against the substantive sentence of 1 year, he has already undergone a sentence of 09 months, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded by the Judicial Magistrate 1st Class, Karnal vide order dated 11.03.2014 is modified to the period already undergone. However, the sentence of fine awarded by the Courts below is increased from Rs. 1,500/- to Rs. 3,000/-.

14. The petition is accordingly **partly allowed**. All the pending miscellaneous application(s), if any, are also disposed of.

15. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

DECEMBER 04, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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