

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

210

CRR-75-2007

Date of decision: 04.09.2025

Teja Singh .....Petitioner

Versus

Harcharan Singh and another .....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. G.S. Sidhu, Advocate  
for the petitioner.

None for respondent No.1.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J.**

1. The petitioner has filed the instant revision petition to impugn the order dated 18.11.2006 passed by learned Additional Sessions Judge, Moga, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 27.04.2005 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Moga, in a complaint under Sections 304-A, 279, 337 of the IPC, was dismissed, however, his sentence under Section 279 of the IPC was set aside.

2. Vide judgment dated 27.04.2005, learned Judicial Magistrate 1<sup>st</sup> Class, Moga, convicted the petitioner and sentenced as under:-

| Offence(s)<br>under Section | Period of<br>sentence | Fine<br>imposed | Period of sentence<br>in default of<br>payment of fine |
|-----------------------------|-----------------------|-----------------|--------------------------------------------------------|
| 304-A of the IPC            | RI for 1 year         | Rs.1,000/-      | RI for 01 month                                        |
| 279 of the IPC              | RI for 06 months      | Rs.500/-        | RI for 15 days                                         |



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3. The case as set up by the prosecution may be noticed as thus : the complaint in question was filed by respondent No.1- Harcharan Singh, who alleged that on 13.07.1997, his son Amrinder Singh (since deceased) along with his sister and grandfather Nachhattar Singh was coming to Moga on tempo and at about 10.45 a.m. when the tempo reached near Green Weigh-Bridge, the tempo driver stopped the tempo on asking of Nachhattar Singh. When Nachhattar Singh was busy to pay the fare to the tempo driver, in the meantime, one bus bearing registration No.12-A-9942 of Punjab Roadway came from the side of Moga City in a very high speed, and rash and negligent manner; the driver of the bus without blowing horn, struck the bus with Amrinder Singh, as a result of which Amrinder Singh got crushed under the front tyre of the bus and died at the spot.

4. Learned counsel for the petitioner has, at the very outset, fairly conceded that in view of the concurrent findings of fact recorded by the learned Trial Court and learned Appellate Court, he does not intend to assail the conviction of the petitioner on merits. His submission is confined solely to the quantum of sentence. It is urged that the accident pertains to the year 1997, and the petitioner has already undergone incarceration for a period of 02 months and 13 days. It is further submitted that the petitioner has endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further



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incarceration.

5. In support of his plea, reliance has been placed on the decision of the Hon'ble Supreme Court in ***Sagar Loliengar Vs. State of Goa and another : 2022(1) SCC 161***, wherein it was observed that even in cases involving conviction under 304-A of the IPC, the substantive sentence of imprisonment can be reduced to the period already undergone.

6. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against the petitioner, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the accident of the year 1997, the petitioner has maintained good conduct and has not been involved in any other criminal activity.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the accident is of the year 1997, and taking note of the fact—undisputed by the learned State counsel, that the petitioner has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

9. It would be apposite to advert to the observations of the



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Hon'ble Supreme Court in ***Sagar Loliienkar's case (supra)*** where, while dealing with conviction under Sections 279 and 304-A of the IPC, the Hon'ble Supreme Court reduced the quantum of sentence in the following terms :-

*“14. In the instant case, the appellant has been found to be guilty of offences punishable under Sections 279 and 304A IPC for driving rashly and negligently on a public street and his act unfortunately resulted in the loss of the precious human life. But it is pertinent to note that there was no allegation against the appellant that at the time of accident, he was under the influence of liquor or any other substance impairing his driving skills. It was a rash and negligent act simplicitor and not a case of driving in an inebriated condition which is, undoubtedly despicable aggravated offence warranting stricter and harsher punishment.”*

10. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 01 year is reduced to the period already undergone i.e. 02 months and 13 days.

11. Ordered accordingly.

12. However the fine imposed is enhanced from Rs.1,000/- to Rs.10,000/- to be deposited with the “Punjab Chief Minister Relief Fund, A/c No.001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank” within one month from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to the petitioner, and he shall be required to undergo the remaining part of the sentence awarded to him.

13. With the aforesaid modification in the quantum of sentence



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and enhancement of fine, the instant revision petition stands disposed of.

**04.09.2025**

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**(MANJARI NEHRU KAUL)  
JUDGE**

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