

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

2025:PHHC:154746



CRR-1438-2025 (O&M)
Date of decision: 07.11.2025.

RAVNEET SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. S.S. Grewal, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant criminal revision petition has been preferred against the judgment and order of sentence dated 25.07.2022 passed by the Sub Divisional Judicial Magistrate, Khamanon, wherein the revisionist-petitioner has been convicted and sentenced as under:-

Name of convict	Offence under which punished	Sentence
Ravneet Singh	Under Section 279 IPC	Rigorous imprisonment for six months.

	Under Section 304-A IPC	Rigorous imprisonment for two years and fine of Rs.1,000/- and in default of fine, to further undergo rigorous imprisonment for 15 days.
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Further challenge is made to the judgment dated 02.05.2025 passed by the Additional Sessions Judge, Fatehgarh Sahib, vide which appeal filed by the petitioner has been dismissed.

Briefly stated, the facts of the present case are that on 27.11.2016, complainant Sukhwinder Singh, an agriculturist and resident of Village Ranwan, recorded his statement stating that while returning from Samrala in his car (PB49A-6162, make Skoda) after meeting a relative, he reached near the area of Village Jattana Ucha, close to the Smadh of Baba Hari Singh. There, he noticed his cousin Davinder Singh, son of Jaspal Singh, resident of Village Bhamian, along with his friend Dalbir Singh, son of Gurjot Singh, resident of Village Harion, District Ludhiana, standing near their motorcycle (PB23U-7958, make Hero Passion) on the unpaved side of the road. The complainant stopped his vehicle near them, and at about 1:00 p.m., a white car coming at high speed from the Khamanon side, being driven rashly and negligently on the wrong side of the road, struck Davinder Singh, Dalbir Singh, and their motorcycle. The said car then went out of control and collided with a nearby eucalyptus tree. The complainant, with the assistance of the highway patrol police who arrived shortly thereafter, attended to the injured persons. The driver of the offending car, who had also sustained injuries, disclosed his name as Ravneet Singh, son of Harmeet

Singh, resident of Village Kandhola, District Ropar. The complainant noted the car's registration number as PB12V-7860 (make Etios Liva). With the help of bystanders and the highway patrol, the injured were taken to Civil Hospital, Khamanon, from where the doctors referred them to PGI, Chandigarh, and GMCH, Sector-32, Chandigarh. However, while being transported from Khamanon to Chandigarh and upon reaching near Village Ranwan, Davinder Singh succumbed to his injuries. His body was brought back and deposited at the mortuary of Civil Hospital, Khamanon. The complainant alleged that the accident occurred due to the rash and negligent driving of Ravneet Singh, driver of the car bearing registration number PB12V-7860, and sought appropriate legal action against him.

On the basis of aforesaid statement, FIR in the present case was registered and investigation conducted. The spot was inspected; site plan prepared; statements of witnesses recorded and various documents were taken into police possession.

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.

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

In order to prove the guilt of accused, prosecution examined PW-1 HC Ram Singh who deposed with respect to the part of the investigation conducted in his presence. He produced and proved on record Form No. 25.35 as Ex. PW1/A, the statement of Bikram Singh as Ex. PW1/B, and the statement of Gurjodh Singh recorded under Section 175 Cr.P.C. as Ex. PW1/C.

Further, prosecution examined PW-2 Jaswinder Singh, son of Bikram Singh, who deposed that he identified the dead body of his nephew, the deceased Davinder Singh, and placed on record his identification statement as Ex. PW2/A.

Further, prosecution examined PW-3 ASI Rajinder Kumar, Motor Mechanic, who deposed that he mechanically examined the accident-involved car bearing registration No. PB12V-7860 and the motorcycle bearing registration No. PB23U-7958 at Police Station Khamanon on the request of ASI Balkar Singh. He placed on record his mechanical inspection reports of both vehicles as Ex. PW3/A and Ex. PW3/B.

Further, prosecution examined PW-4 Gurjot Singh who deposed that he identified the dead body of his son, Dalbir Singh, and placed on record his identification statement as Ex. PW4/A.

Further, prosecution examined PPW-5 Sukhwinder Singh, the complainant in the present case, who deposed on the lines of his initial statement made to the police, the contents of which are not reiterated here for the sake of brevity. He produced and proved various documents on record, including his statement as Ex. PA, Form No. 25.35 as Ex. PW5/A, recovery memo of the motorcycle (PB23U-7958) as Ex. PW5/B, recovery memo of the car (PB12V-7860) as Ex. PW5/C, his statement regarding identification of the dead body of Davinder Singh as Ex. PW5/D, site plan of the place of occurrence as Ex. PW5/E, photographs of the vehicles (car and motorcycle) as Ex. PW5/1 to Ex. PW5/7, and the case property, i.e., the car, marked as MO1.

Further, prosecution examined PW-6 Daljit Singh, Photographer, who deposed that he took seven photographs of the accident-involved vehicles at the spot and produced them on record as Ex. PW5/1 to Ex. PW5/7.

Further, prosecution examined PW-7 ASI Balkar Singh, the Investigating Officer of the case, who deposed regarding the investigation carried out by him and produced the documents prepared during the course thereof, including the statement of complainant Sukhwinder Singh as Ex. PA, ruqa as Ex. PW7/A, FIR as Ex. PW7/B, inquest report of deceased Davinder Singh as Ex. PW5/A, recovery memos of the vehicles as Ex. PW5/B and Ex. PW5/C, site plan as Ex. PW5/E, arrest memo of the accused as Ex. PW7/C, and his personal search memo as Ex. PW7/D.

Further, prosecution examined PW-8 Dr. Ravinder Kaur, Medical Officer, who deposed that she conducted the post-mortem examination on the body of deceased Davinder Singh and placed on record the post-mortem report as Ex. PW8/A.

Further, prosecution examined PW-9 HC Harinder Singh, a member of the police party, who deposed regarding the portion of the investigation conducted in his presence and produced on record the recovery memos of the accident-involved vehicles as Ex. PW5/B and Ex. PW5/C.

Further, prosecution examined PW-10 Vinay Kumar, Data Entry Operator from the Registration and Licensing Authority, Sector-17, Chandigarh, who deposed that he produced the official record pertaining to the driving licence of the accused, Ravneet Singh, which was placed on record as Ex. PW10/A, along with the certificate under Section 65-B of the Indian Evidence Act regarding the authenticity of the said electronic record.

Further, prosecution examined PW-11 ASI Taranjit Singh, who had partly investigated the case. He deposed regarding the portion of investigation conducted by him. He produced on record the applications for verification of the accident-involved vehicles as Ex. PW11/A and Ex. PW11/B,

along with their corresponding screening reports as Ex. PW11/C and Ex. PW11/D.

Further, prosecution examined PW-12 Puran Kumar, Clerk from the Office of the SDM, Rupnagar, who deposed that he produced the registration record and screening report of the car bearing registration No. PB12V-7860, which was placed on record as Ex. PW12/A, along with the accompanying certificate as Ex. PW12/B.

Further, prosecution examined PW13 - Dr. Dalip Veshnav, Sr. Resident of Department of Forensic Medicine, PGI Chandigarh, who has brought on record the postmortem report of deceased Dalbir Singh as Ex. PW13/A, death summary as Ex. PW13/B.

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

Statement of petitioner was recorded under section 313 Cr.P.C. whereby all the incriminating facts/evidence appearing on record against him, were put to him, to which he denied all the allegations of the prosecution and termed the case as well as prosecution evidence to be false and pleaded his innocence. Petitioner chose to avail the opportunity to lead evidence in his defence.

In his defence evidence, petitioner has examined DW-1 Lakhvir Singh who deposed that on 27.11.2016, while traveling from Samrala towards Khamanon, he witnessed an accident near Village Jattana. He stated that two motorcyclists turned towards the village when a speeding car approaching from the opposite direction applied brakes and slightly touched the motorcycle, causing the riders to fall and sustain injuries. He further deposed that another car bearing registration No. PB12V-7860, which was following the first car,

also applied brakes, swerved to the right, and collided with eucalyptus trees without hitting the motorcycle. He noted the motorcycle's number as PB23U-7958 and, along with others, assisted in taking the injured to Civil Hospital, Khamanon. The witness asserted that accused Ravneet Singh had been falsely implicated, as he had not caused the accident, and that the complainant, Sukhwinder Singh, was not present at the scene and had falsely lodged the case in collusion with the police to claim compensation for the deceased motorcyclists.

No further defence evidence or witness was produced by the accused during the stage of defence evidence, and accordingly, the defence evidence of the accused was closed.

After consideration of the arguments, the testimonies of the witnesses as well as the evidence brought on record, the trial Court convicted the petitioner for commission of offence under Sections 279 and 304-A of the Indian Penal Code, 1860 and acquitted him of the offence under Section 427 of the IPC vide judgment dated 25.07.2022 and sentenced as aforesaid.

Aggrieved thereof Criminal Appeal No.113 of 2022 was preferred by the petitioner before the Court of Sessions Judge, Fatehgarh Sahib. Vide judgment dated 02.05.2025, passed by the Additional Sessions Judge, Fatehgarh Sahib, the appeal was dismissed, hence, the present revision petition.

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. The following mitigating circumstances are pointed out by the counsel for the petitioner.

- (i) The incident in question had taken place in November 2016 and

already a period of 09 years has elapsed since then.

- (ii) The petitioner has endured the ordeal of a prolonged criminal trial spanning over nine years.
- (iii) The petitioner was nearly 37 years of age as on the date of incident and is not involved in any criminal activity by accident or by design.
- (iv) A motor accident claim case was instituted by the LR's of the deceased, in which compensation of ₹12 lakhs each (total ₹24 lakhs) has already been paid by the petitioner, having arranged the said amount from his own personal resources.
- (v) The petitioner is the sole breadwinner of his family and has the responsibility of supporting his widowed mother and two daughters.
- (vi) The accident in question appears to be a fortuitous and unintended occurrence rather than one arising from any rashness or negligence on the part of the petitioner. The report of the motor mechanic rules out the possibility of a mechanical fault or negligent act leading to the accident. The surrounding circumstances, therefore, indicate that the petitioner had exercised due care and caution while driving the vehicle at the relevant time.

Counsel for the petitioner also relies upon the **judgment dated 24.07.2023 of this Court passed in the matter of Mohan Lal Vs. State of Haryana bearing NO.CRR-1463-2009 and judgment dated 03.03.2022, passed in CRR-2851-2019 titled as Ajaib Singh Vs. State of Punjab and another**, in support of his contention that benefit of probation can be granted even at the appellate or revisional stage considering the mitigating

circumstances.

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.

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

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.

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 deviation from the law, rather than a demonstration of inherent criminal propensity or conduct reflecting a hardened or incorrigible disposition. The object of the Probation of Offenders Act is reformatory and rehabilitative not punitive and aims to reintegrate an offender into the mainstream of society where such reintegration appears feasible. 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***. Hon'ble Supreme Court while considering the scope of the Probation Act has held as under: -

“6. The Probation of Offenders Act was enacted in 1958 with a view to provide for the release of offenders of certain categories

on probation or after due admonition and for matters connected therewith. The object of the Act is to prevent the conversion of youthful offenders into obdurate criminals as a result of their association with hardened criminals of mature age in case the youthful offenders are sentenced to undergo imprisonment in jail. The above object is in consonance with the present trend in the field of penology, according to which effort should be made to bring about correction and reformation of the individual offenders and not to resort to retributive justice. Modern criminal jurisprudence recognises that no one is a born criminal and that a good many crimes are the product of socio-economic milieu. Although not much can be done for hardened criminals, considerable stress has been laid on bringing about reform of young offenders not guilty of very serious offences and of preventing their association with hardened criminals. The Act gives statutory recognition to the above objective. It is, therefore, provided that youthful offenders should not be sent to jail, except in certain circumstances. Before, however, the benefit of the Act can be invoked, it has to be shown that the convicted person even though less than 21 years of age, is not guilty of an offence punishable with imprisonment for life. This is clear from the language of Section 6 of the Act. Sub-section (1) of that section reads as under: -

“When any person under twenty-one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life), the Court by which the person is found guilty shall not sentence him to imprisonment unless it is satisfied that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under Section 3 or Section 4, and if the Court passes any sentence of imprisonment on the offender, it shall record

its reasons for doing so.”

The aforesaid position was reiterated by Hon’ble Supreme Court in the case of ***Chellammal and Another v. State reported as 2025 SCC Online SC 870***. The relevant extract of the judgment is as under: -

“26. On consideration of the precedents and based on a comparative study of Section 360, Cr. P.C. and subsection (1) of Section 4 of the Probation Act, what is revealed is that the latter is wider and expansive in its coverage than the former. Inter alia, while Section 360 permits release of an offender, more twenty-one years old, on probation when he is sentenced to imprisonment for less than seven years or fine, Section 4 of the Probation Act enables a court to exercise its discretion in any case where the offender is found to have committed an offence such that he is punishable with any sentence other than death or life imprisonment. Additionally, the non-obstante clause in sub-section gives overriding effect to sub-section (1) of Section 4 over any other law for the time being in force. Also, it is noteworthy that Section 361, Cr. P.C. itself, being a subsequent legislation, engrafts a provision that in any case where the court could have dealt with an accused under the provisions of the Probation Act but has not done so, it shall record in its judgment the special reasons therefor.

27. What logically follows from a conjoint reading of sub-section (1) of Section 4 of the Probation Act and Section 361, Cr. P.C. is that if Section 360, Cr. P.C. were not applicable in a particular case, there is no reason why Section 4 of the Probation Act would not be attracted.

28. Summing up the legal position, it can be said that while an offender cannot seek an order for grant of probation as a matter of right but having noticed the object that the statutory provisions seek to achieve by grant of

probation and the several decisions of this Court on the point of applicability of Section 4 of the Probation Act, we hold that, unless applicability is excluded, in a case where the circumstances stated in subsection (1) of Section 4 of the Probation Act are attracted, the court has no discretion to omit from its consideration release of the offender on probation; on the contrary, a mandatory duty is cast upon the court to consider whether the case before it warrants releasing the offender upon fulfilment of the stated circumstances. The question of grant of probation could be decided either way. In the event, the court in its discretion decides to extend the benefit of probation, it may upon considering the report of the probation officer impose such conditions as deemed just and proper. However, if the answer be in the negative, it would only be just and proper for the court to record the reasons therefor.

12. 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.”

The objective behind sentencing is required to be kept in mind while passing an order of sentence. The underlying object may be retributive, preventive, punitive or reformatory.

While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence, since it focusses on punishing proportionally to the harm done and caters to the senses of spite and anger against a wrongful act, the rehabilitative/reformatory 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 doubt and perceives a probability and possibility of reform. It aims at capitalising a social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.

While the pre-requisites of crime do not distinguish two persons, on the above scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily make 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, involvement, peers etc. and not just from commission of an offence.

The 'deterrent' and 'punitive' aspects tend to discourage and 'punish' for the offence committed, albeit the objects do change.

A Court of law would not assume every offender to be beyond reform and differentiate in punishment arising out of offences due to human error compared to offences that stem from actions propelled by mens rea.

The case in hand is yet another where interest of justice would warrant a reformatory approach in precedence to a punitive or retributive approach.

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 Judicial Magistrate. The petitioner shall also remain under the supervision of the concerned probation officer during the aforesaid

period.

The petitioner shall also be liable to perform community service of plantation of 50 indigenous trees by approaching the Divisional Forest Officer, Fatehgarh Sahib and for their maintenance for a period of 05 years.

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.

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.

The instant petition is partly allowed.

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

November 07, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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