

CRR-1409-2024 (O&M)1

262 IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRR-1409-2024 (O&M)

Date of Decision: 08.05.2025

JASWANT

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavata, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. The prayer in the present appeal is to set aside the judgment dated 08.05.2024 passed by learned Additional Sessions Judge, Bhiwani vide which judgment of conviction and order on quantum of sentence dated 15.12.2018/20.12.2018 passed by learned Judicial Magistrate Ist Class, Bhiwani whereby the petitioner was convicted and sentenced for the offence punishable under Sections 279, 337 and 304-A of Indian Penal Code (hereinafter to be referred as ‘IPC’) in the case stemming from FIR No. 306 dated 21.04.2014 registered at Police Station Sadar Bhiwani, have been upheld.
2. The petitioner was convicted and sentenced for driving the vehicle with high speed in rash and negligent manner and causing accident and liable for death of three persons and causing injuries to the complainant Dharmender and Poonam, as mentioned below:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
279 of IPC	Simple imprisonment for six months	Rs. 1,000/-	Simple imprisonment for 30 days
337 of IPC	Simple imprisonment for six months	Rs. 500/-	Simple imprisonment for 15 days



304-A of IPC	Simple imprisonment for two years	Rs. 1,000/-	Simple imprisonment for 30 days
All sentences were ordered to run concurrently			

3. Learned Counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 08.05.2024 passed by learned Additional Sessions Judge, Bhiwani on merits and restricts his prayer to modification of the order on quantum of sentence dated 20.12.2018 passed by learned Judicial Magistrate Ist Class, Bhiwani to that of sentence already undergone by the petitioner as he has already undergone a period of 01 year and 17 days out of total sentence of 02 years imposed upon him.
4. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, the petitioner does not deserve any leniency.
5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted for driving the vehicle with high speed in rash and negligent manner and causing accident and liable for death of three persons and causing injuries to the complainant Dharmender and Poonam, attracting the offence under Sections 279, 337 and 304-A of IPC, for which no minimum punishment has been prescribed. As per his custody certificate, he is not involved in any other case and has already undergone an actual sentence of 01 year and 17 days out of total sentence of 02 years in the instant case. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 279, 337 and



CRR-1409-2024 (O&M)

3

304-A of IPC, 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.

6. In **Deo Narain Mandal v. State of UP (2004) 7 SCC 257**, a three Judge bench of the Hon'ble Supreme Court has opined 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, 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.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. State of AP AIR 2017 SC 1166**, has reiterated 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the said judgment is based on

**CRR-1409-2024 (O&M)****4**

correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 21.04.2014 and the petitioner has been suffering the agony of trial for last more than 11 years. Since his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

9. Therefore, in view of the discussion above, the present appeal is disposed of in the following terms:-

(i) The judgment dated 08.05.2024 passed by the learned Additional Sessions Judge, Bhiwani is upheld.

(ii) The order of sentence dated 20.12.2018 passed by learned Judicial Magistrate Ist Class, Bhiwani is modified to the extent that the sentence of rigorous imprisonment for 02 years along with total fine of Rs. 2,500/- with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.05.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*