



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

316

CRR-1699-2024 (O&M)

Date of decision: January 16th, 2025

Balraj Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The instant criminal revision has been filed by the petitioner challenging the judgment of conviction and sentence imposed upon him by the Courts below for offences punishable under Sections 279 and 304-A of the IPC.

2. The present case arises from an FIR registered following a medical *ruqa* concerning the accidental death of Krishan Kumar Bajaj (hereinafter referred to as 'the deceased'). As per the prosecution, on 22.07.2017, the deceased was traveling in his car (bearing registration No.PB 61B 7477), driven by his driver, Jarnail Singh, while the complainant, Ramesh Bajaj (brother of the deceased), was following in another car bearing registration No.PB22 Q 6262.

3. When the car of the deceased attempted to turn towards the Sheller, a Government bus bearing registration No.PB 04S 7431, being driven in a rash and negligent manner, collided with the car of the deceased, causing severe head injuries to the deceased. The deceased



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succumbed to his injuries shortly thereafter at the Civil Hospital.

4. Learned counsel for the petitioner, at the outset, has fairly conceded that the findings of guilt recorded by the Courts below are based on concurrent findings of fact, which are not being challenged on merits in this petition. However, the learned counsel has restricted the scope of the revision to the quantum of the sentence imposed upon the petitioner.

5. Learned counsel for the petitioner has submitted that the accident in question occurred in the year 2017, and the petitioner has already undergone incarceration for a period of six months and four days out of the substantive sentence of two years. Further, the petitioner has endured the protracted agony of criminal proceedings for over eight years. It has also been asserted that the petitioner has led a disciplined and law-abiding life after the accident and does not have any criminal antecedents. Therefore, a prayer has been made that in light of mitigating circumstances, a lenient view may be taken by reducing the sentence to the period already undergone, as held by Hon'ble the Supreme Court in ***Sagar Loliengar Versus State of Goa 2012 (1) SCC 161***.

6. Learned State counsel has opposed the prayer for reduction of sentence, emphasizing the gravity of the offence and the concurrent findings of guilt recorded by the Courts below. However, it has been admitted that the accident occurred in the year 2017, and the petitioner has since maintained good conduct. Further, the custody certificate placed on record by the learned State counsel indicates that the



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petitioner has no prior or subsequent involvement in any criminal case.

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

8. The petitioner stands convicted for offences under Sections 304-A and 279 of the IPC, which pertain to rash and negligent driving resulting in the loss of a human life. The findings of guilt recorded by the Courts below are supported by evidence and remain unchallenged in this petition.

9. The accident in question took place over eight years ago, in 2017, and the petitioner has already undergone incarceration for a period of six months and four days out of the substantive sentence of two years. The material on record demonstrates that the petitioner has maintained good conduct since the accident and has not been involved in any other criminal activity.

10. Hon'ble the Supreme Court in *Sagar Lolienkar's case* (*supra*), has elucidated that in cases involving conviction under Section 304-A of the IPC, where the act is one of rash and negligent driving simpliciter, unaccompanied by aggravating factors such as driving under the influence of alcohol or other substances, the ends of justice may be met by reducing the substantive sentence to the period already undergone, provided there exist mitigating circumstances. It would be relevant to reproduce the observations of Hon'ble the Supreme Court in the said regard, which are as under:

“14. In the instant case, the appellant has been found to be guilty of offences punishable under Sections 279 and 304-A IPC for driving rashly and

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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.”

11. Applying the principles laid down in *Sagar Loliengar’s case (supra)* to the present case, it is evident that the act of the petitioner, though resulting in a tragic loss of life, does not involve aggravating factors warranting a stricter sentence. The mitigating circumstances, including the prolonged trial, good conduct, and absence of prior or subsequent criminal antecedents, justify a reduction in the substantive sentence.

12. In view of the discussion, while maintaining the conviction of the petitioner under Sections 304-A and 279 of the IPC, the sentence awarded to the petitioner along with fine is modified. The substantive sentence of imprisonment of two years is reduced to the period already undergone by the petitioner, i.e. six months and four days.

13. However, the fine imposed upon the petitioner under Section 304-A of the IPC is increased from ₹2,000/- to ₹50,000/-.

14. It is made categorically clear that if the enhanced fine is not deposited with the trial or successor Court, within two months from the date of this order, the benefit of reduction of sentence will not accrue to



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the petitioner, and he will be required to serve out the remaining part of his sentence. On deposit of enhanced amount of fine, the same shall be disbursed to the LRs of the deceased after informing them, against proper receipt.

15. With the aforesaid modifications, the revision petition stands disposed of.

January 16th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

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Yes