



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

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**CRR-2846-2019 (O&M)
Date of decision : 13.11.2025**

Surinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. B.P.S. Virk, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 279, 337, 338 and 304A of the Indian Penal Code, the FIR No.79 dated 21.08.2011 was lodged in Police Station Banur. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioner was sent to the Court of learned Judicial Magistrate First Class Rajpura to face trial for the abovementioned offence, hereinafter being referred to as 'trial Court'.

2. The petitioner participated in the abovementioned trial which by virtue of judgment dated 02.05.2017 culminated into his conviction, and therefore, by virtue of order of quantum of sentence of same date, the petitioner was awarded the following sentence:-



Sr. No.	Under Section	Imprisonment
1.	279 of IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.500/-. In default of payment of fine to further undergo rigorous imprisonment for 05 days.
2.	337 of IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.500/-. In default of payment of fine to further undergo rigorous imprisonment for 05 days.
3.	304-A of IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.2000/-. In default of payment of fine to further undergo rigorous imprisonment for 20 days.

3. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner had preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Additional Sessions Judge Patiala, hereinafter being referred to as 'Appellate Court'. The appeal, preferred by the petitioner did not find favour in the learned Appellate Court, and the same has been dismissed by virtue of judgment dated 28.08.2019.

4. Feeling aggrieved of the judgment of conviction and order of sentence dated 02.05.2017, passed by the learned trial Court, and the judgment dated 28.08.2019, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Nirmala Devi, who stated before the police that on 20.08.2011 at about 07:30 pm, she along with her son-in-



law, namely Sukhwinder Singh, was going to Village Chamaru on motorcycle bearing registration No.PB65-K-3889. As per complainant, near bus-stand Banur, the PRTC bus bearing registration No.PB11-AN-9849 came from behind, and while overtaking their motorcycle, the driver of the bus suddenly applied brakes, due to which, their motorcycle was hit by the bus, resulting into injuries on their person. It was also stated by the complainant that in the abovementioned accident her son-in-law suffered grievous injuries, and passed away.

6. It is the case of the prosecution that in view of abovementioned complaint formal FIR in this case was lodged, and the investigation was taken up. As per prosecution during the course of investigation, when all the necessary formalities were completed and the entire evidence was collected, the petitioner was sent to face trial before the Court of learned Judicial Magistrate.

7. Heard.

8. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserves to be set aside being an outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact that the necessary ingredients meant for the commission of offence under Sections 279/304A of IPC were not established by the prosecution as per the standard required under the law.



9. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty and that despite the facts that the deficiencies in prosecution case were pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court.

10. However, during the course of arguments, the learned counsel for the petitioner has contended that in the instant revision petition, the petitioner is not inclined to challenge the finding of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this stage, by virtue of present petition, the petitioner is only challenging the order on the quantum of sentence.

11. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 2011, and that on completion of trial, when the petitioner was convicted, he preferred an appeal before the learned Appellate Court, which was decided in the year 2019, and in the same year, the present revision petition was filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last 14 years and has, in fact, already suffered punishment to a considerable extent. It has been submitted on behalf of petitioner that the offence in question was the first offence allegedly



committed by the petitioner, and that even after the offence related to present revision petition, the petitioner has not been prosecuted for any offence.

12. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner had already served the sentence for a period of 06 months and 11 days, and that by treating the above-discussed factors, the sentence already undergone by the petitioner may be treated to be the sentence awarded to him in the present case.

13. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Section 304A of IPC. According to learned State Counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of two years, is already on lower side, and that the petitioner is not entitled for a sentence of imprisonment of less than two years. As per learned State Counsel, the instant revision petition has no merit and deserves dismissal.

14. The record has been perused carefully.

15. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court with regard to conviction of petitioner under Sections 279/337/304A IPC. Accordingly, the abovementioned finding is hereby affirmed.



16. As far as the order of quantum of sentence is concerned, in view of the fact that the petitioner is a first time offender, and that even after the present prosecution, he has not been prosecuted by the police for any other case, it is hereby held that the petitioner is entitled for a lenient view and the sentence awarded to the petitioner, i.e. imprisonment for a period of 02 years, is harsh. Thus, with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

17. In the light of above-discussed legal position, if the factual matrix of present case is analyzed, it transpires that following are the points which needs consideration:-

- (a) the accident in question had taken place about 14 years ago;
- (b) the petitioner is facing the agony of protracted trial for the last 14 years; and
- (c) there is nothing on record to show that the petitioner has been involved in any other criminal case.

18. As a cumulative effect of abovementioned observations, it is hereby held that in the present the petitioner is entitled for a lenient view, and that the sentence, which he has already undergone in the present case, i.e. 06 months and 11 days, is adequate to meet the ends of justice.

19. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence



awarded to the petitioner is reduced to the period already undergone by him.
The present appeal stands partly allowed, accordingly.

20. Pending miscellaneous application(s), if any, stand(s) disposed
of.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 13, 2025
Gaurav Thakur

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