



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRR- 2911-2023
Date of decision: 02.12.2025

PARAMJIT SINGH @ BABAPetitioner

VERSUS

STATE OF PUNJABRespondent

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

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, DAG, Punjab.

VINOD S. BHARDWAJ. J.(Oral)

The present revision petition has been preferred against the judgment of conviction and order of sentence dated 04.06.2019, passed by the Sub Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioner has been convicted in case bearing FIR No.107 dated 19.07.2017 registered under Sections 304-A, 279, 427 and 337 of the IPC at Police Station, Nihal Singh Wala and sentenced as follows:

Offence under Section	Imprisonment	Fine	In default of payment of fine
279 IPC	Six months RI	₹.500/-	Fifteen days RI
304-A IPC	One year RI	₹.1000/-	One month RI

Challenge is also to the judgment dated 02.12.2023 passed by the Additional Sessions Judge, Moga, whereby the appeal against the

judgment of conviction and order of sentence dated 04.06.2019 was partly allowed, the petitioner's conviction under Section 304-A IPC was upheld; however, the petitioner was acquitted of the offence under Section 279 IPC.

2. Briefly summarized, the facts of the present case are that the complainant Bhalwinder Singh (son of Kaka Singh), resident of Bilaspur, Tehsil Nihal Singh Wala, was going from Village Bilaspur to Moga on a motorcycle bearing No. PB-69/B-0856, along with his friend Parminder Singh @ Ghallu on 19.07.2017. Parminder Singh was driving the motorcycle and the complainant was the pillion rider. At about 4.00 PM, when they reached near the Bus Stand of Village Lohara, one Tipper bearing No. PB-35/Q-1484 came from the opposite side in a rash and negligent manner and struck their motorcycle. Resultantly, the complainant fell on the left side of the road, Parminder Singh fell on the right side of the road and the front tyre of the Tipper crushed the latter. The complainant also received injuries and the motorcycle was badly damaged. Parminder Singh died on the spot. Thereafter, the present FIR came to be registered against the driver of the Tipper, that is, the petitioner herein.

3. On completion of the procedural compliances, parties led their respective evidence. The prosecution examined PW-1 Bhalwinder Singh (Complainant); PW-2 Dr. Gurvarinder Singh, Medical Officer; PW-3 ASI Amarjit Singh No. 568/Moga (Investigating Officer); PW-4 Om Parkash, Retired Mechanic, Punjab Roadways, Moga; and PW-5 Vikram Singh, owner of the Tipper. The evidence was thereafter closed

as the prosecution failed to conclude its entire evidence despite availing sufficient opportunities in this regard.

4. The entire evidence was put to the petitioner and his statement under Section 313 Cr. P.C. was recorded. He denied the same but led no evidence in defence.

5. On consideration of the evidence and hearing the arguments, the Sub Divisional Judicial Magistrate, Nihal Singh Wala, convicted the petitioner vide judgment dated 04.06.2019 and sentenced him as mentioned above. Appeal against the order of conviction & sentence was partly allowed by the Additional Sessions Judge, Moga vide judgment dated 02.12.2023. Hence, the present petition.

6. Learned counsel for the petitioner contends that he does not wish to challenge the conviction and confines his prayer only to the sentencing part. He submits that the present matter pertains to the year 2017 and that no other criminal case stands registered against the petitioner. It is further submitted that the petitioner has already undergone an actual custody of 6 months and 06 days out of 1 year. Hence, the factual matrix and merits of the case are not being examined at this stage. Counsel further submits that the alleged incident occurred in 2017 and that the petitioner has faced the agony of a protracted trial for nearly 08 years. Accordingly, it is prayed that the sentence imposed upon the petitioner be reduced to the period already undergone.

7. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through

trial. It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

8. I have heard learned counsel representing the parties and have gone through the case record.

9. The Hon'ble Supreme Court in the matter of **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption. The relevant extract of the said judgment is reproduced hereinbelow:-

12. India, till date, does not have a statutory sentencing policy in place. This Court, however, has proceeded to examine the objective behind sentencing and the factors to be kept in mind while imposing such punishments. In Mohd. Giasuddin v. State of A.P. [Mohd. Giasuddin v. State of

A.P., (1977) 3 SCC 287 : 1977 SCC (Cri) 496] (two-Judge Bench), it stood observed that : (SCC pp. 290 & 293-94, paras 9 & 16-17)

“9. ... Crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturisation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an “in terrorem” outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind.

16. ... ‘A proper sentence is the amalgam of many factors such as the nature of the offence, the circumstances — extenuating or aggravating — of the offence, the prior criminal record, if any, of the offender, the age of the offender, the record of the offender as to employment, the background of the offender with reference to education, home life, sobriety and social adjustment, the emotional and mental conditions of the offender, the prospects for the rehabilitation of the offender, the possibility of return of the offender to normal life in the community, the possibility of treatment or training of the offender, the possibility that the sentence may serve as a deterrent to crime by the offender or by others and the current community need, if any, for

such a deterrent in respect to the particular type of offence. These factors have to be taken into account by the Court in deciding upon the appropriate sentence. [As observed in Santa Singh v. State of Punjab, (1976) 4 SCC 190 at p. 191 : 1976 SCC (Cri) 546] ’

17. It will thus be seen that there is a great discretion vested in the Judge, especially when pluralistic factors enter his calculations. ... innovation, in all conscience, is in the field of judicial discretion.”

(emphasis in original)

10. The fundamental purpose of imposition of sentence is based upon making an accused realize the consequences of the crime committed by him and the creation of a dent in the life of the victims and also the social fabric. The same by itself does not oblige the Court to extend opportunity to a convict for reforming himself. The principles of proportionality have to be balanced and the impact of the offence on the society as a whole and its ramifications on the victim and the immediate collectives also has to be examined.

11. A nine judge bench of the Supreme Court of the United States, in *Dennis CouncleMcGautha v. State of California* reported as 402 U.S. 183 (1971), observed that the criteria governing sentencing neither furnish an exhaustive list of relevant considerations nor indicate how various circumstances should influence the decision-making process. In essence, these standards merely suggest broad areas for consideration and underscore the inherent difficulty in formulating uniform sentencing principles, particularly in matters of grave offences.

The Court further cautioned against rigidly prescribing or mandating

uniform standards for sentencing, emphasizing that the principles governing punishment must depend upon the facts and circumstances of each individual case, and that no straightjacket formula can be universally applied.

12. In the aforesaid backdrop, and keeping in view the established legal principles governing sentencing, it becomes imperative to evaluate the mitigating circumstances relevant to the present case. The same are, therefore, extracted as under:—

- i. The incident in question pertains to the year 2017, and nearly eight years have elapsed since then. The petitioner has thus suffered the ordeal and anguish of protracted criminal proceedings spanning over 08 years.
- ii. The petitioner is alleged to have been driving the Tipper in a rash and negligent manner, which allegedly resulted in the occurrence of the accident. However, there is no record of the petitioner having been involved in any other similar criminal offence, either during the pendency or after the conclusion of the present case, indicating that the petitioner has reformed himself and successfully reintegrated into the mainstream of society.
- iii. The penal consequences, in such circumstances, deserve to be moderated to ensure a balance of equities, particularly when the offender has exhibited genuine reformatory conduct. The sentence, therefore, warrants suitable modification to reflect recognition and

encouragement of such good behaviour.

iv. It is well settled that the object of punishment is not merely to deter but also to reform, and where an offender demonstrates sincere remorse and rehabilitation, the emphasis must shift from retribution to reintegration into society.

13. Taking into consideration the facts noticed above and that the petitioner has faced the rigour of criminal prosecution for eight years since the registration of the FIR and as against the substantive sentence of 1 year, he has already undergone a sentence of 06 months and 06 days, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded by the Additional Sessions Judge, Moga vide judgment dated 02.12.2023, is modified to the period already undergone. However, the sentence of fine awarded by the Courts below to a sum of Rs.1000/- is increased to Rs.3,000/-.

14. All the pending miscellaneous application(s), if any, are also disposed of.

DECEMBER 02, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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