

2025:PHHC:001366



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRR 2 of 2025 (O&M)
Date of Decision: 08.01.2025

Gurtej Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred against the impugned judgment dated 14.10.2024 passed by the Court of Ms. Navjot Kaur, Sessions Judge, Faridkot and the impugned judgment and order dated 11.10.2022 passed by the Court of Ms. Monika Lamba, Chief Judicial Magistrate, Faridkot, whereby, the petitioner has been convicted for the offence punishable under Sections 279, 337 and 338 IPC and sentenced to undergo the following sentences:-

279 IPC	Rigorous imprisonment for six months and to pay fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for two days.
337 IPC	Rigorous imprisonment for six months and to pay fine of Rs.500/-. In default of

payment of fine, to further undergo rigorous imprisonment for two days.
338 IPC *Rigorous imprisonment for one year and to pay fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for five days.*

2. The petitioner was initially convicted and sentenced by the trial Court. During the pendency of the appeal before the Court of Sessions Judge, Faridkot, learned counsel for the petitioner did not press the appeal on merits and no challenge was raised to the findings of conviction and the challenge was confined only to the order of sentence. Even before this Court, learned counsel for the petitioner has prayed that some leniency may be shown while awarding the sentence to him. Even otherwise, both the Courts have examined the evidence in detail and after due appreciation of the evidence, convicted the petitioner. Even, this Court has examined the evidence with the assistance of learned counsel for the parties and finds no ground to interfere with the findings recorded by both the Courts. The judgments are well reasoned and are based on correct appreciation of evidence led by both the parties. Thus, the conviction of the petitioner is ordered to be upheld by this Court.

3. Now advertent to the order of sentence, this Court has to decide the quantum of sentence, keeping in view the aggravating as well as mitigating circumstances of the present case. The petitioner

has pleaded that he is the sole bread earner of the family and has to take care of his old and aged parents. Apart from that, the alleged act was unintentional and the car of the petitioner had hit the gypsy, which was being driven by the complainant, from behind. Even, the injured in the present case have already been compensated and adequate compensation has already been granted to them by the concerned Motor Accident Claim Tribunal and the claim amount has already been disbursed to them. Still further, the petitioner is facing the agony of trial/appeal for the last about 07 years and a lenient view may be taken while awarding the sentence to the present petitioner.

4. I have heard the learned counsel for the petitioner as well as the learned State counsel and this Court is of the considered view that the sentence imposed on the petitioner deserves to be reduced to the following effect:-

279 IPC	<i>Rigorous imprisonment for three months and to pay fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for two days.</i>
337 IPC	<i>Rigorous imprisonment for three months and to pay fine of Rs.500/-. In default of payment of fine, to further undergo rigorous imprisonment for two days.</i>
338 IPC	<i>Rigorous imprisonment for four months and to pay fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for five days.</i>

All the modified sentences shall run concurrently.

5. Apart from that, the petitioner shall pay a compensation of Rs. 50,000/- to Navdeep Kaur, injured and a sum of Rs. 10,000/- each shall be paid to three other injured, namely, Jagdeep, Paramjeet Kaur and Manpreet Kaur. The above said amount of compensation of Rs. 80,000/- shall be deposited by the petitioner with the Court of Chief Judicial Magistrate, Faridkot, within a period of 02 months from today and the CJM, Faridkot, is directed to issue notice to the injured in the present case and the amount shall be disbursed to the above said four injured against receipt and after proper identification. The petitioner shall also deposit a sum of Rs. 20,000/- as costs with the Punjab and Haryana High Court Bar Clerks Association within a period of two months from today. In case, the above said compensation and costs are not deposited by the petitioner within a period of two months from today, the present petition shall be deemed to be dismissed.

6. With the above modifications in the order of sentence, the revision is partly allowed.

7. CRM 45 of 2025 and CRM 46 of 2025 are disposed off, accordingly.

08.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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