

2026:PHHC:073951



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

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CRA S-1871-SB-2006

Date of Decision: 08.05.2026

Gurpal Singh @ Palla

...Appellant (s)

Vs.

State of Punjab

...Respondents(s)

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

Present : Mr. Rajesh Girdhar, Advocate
for the appellant.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellant has filed the present appeal against the impugned judgement of conviction and order of sentence dated 28.08.2006 passed by the Court of Additional Sessions Judge, (Adhoc), FTC, Sonapat, whereby, the appellant was held guilty for the commission of offence punishable under Sections 279 and 304-A and was sentenced to undergo rigorous imprisonment for a term of six months alongwith fine of Rs. 500/- and in default of payment of fine, to further imprisonment of fifteen days under Section 279 of IPC. He was further sentenced to undergo rigorous imprisonment under Section 304-A for a term of two years with fine of Rs. 2000/- and in default of payment of fine to undergo further imprisonment for two months.

2. The brief facts of the prosecution case are that on 20.09.2004, the complainant Vijay Kumar got recorded his statement to the police, to the effect that he is a resident of village Fatuhi Khera. He is engaged in the business of selling milk and as such he daily goes from his village to the city of Malout on his motor cycle. His nephew, Dharamvir is a partner of Surgical Medical Store, Mandi Malout, who also goes to the City Malout from the same village on his motor cycle.

3. Yesterday night, at about 08.00 p.m., he alongwith his above-said nephew Dharamvir was returning from Malout Mandi to village Fatuhi Khera on their respective motor-cycles. When they reached in the area of village Tapa Khera, Dharamvir was about 100 yards ahead from his (Vijay Kumar's) motor-cycle. Dharamvir was riding the motor-cycle Hero Honda Splender No. PB-60-9546. The head lights of both the motor-cycles were glowing at about 08.15 p.m., one car came from Maniwala side at a fast speed and in a zig-zag manner and struck against the motor-cycle of Dharamvir. I heard a powerful bang. The car driver alighted his car and reached near the motor-cycle of his nephew. On his asking, he told his name as Pallu son of Hazoor Singh Mazbi Sikh resident of Abul Khurana. The registration number of his Qualis vehicle was PB-30C-6566. As he got engaged in taking care of his nephew, so said Pallu ran away from the spot alongwith his Qualis. His nephew died on the spot within 5/10 minutes. The death of his nephew Dharamvir has been caused by Pallu driver of Qualis car while driving it at a fast speed and in a rash and negligent manner. His motor-cycle has also been damaged badly. After the accident, he had

with his brother Raj Kumar, who came immediately on the spot alongwith other persons of the village. After their arrival, he had come to report the incident to the police after leaving Raj Kumar besides the dead body of Dharamvir. On the basis of the statement, an FIR was registered under Section 304-A of IPC and investigations were initiated.

4. After the completion of the investigation, *challan* was presented in the Court and the case was committed to the Court of Sessions.

5. During the course of trial, the trial Court found a *prima facie* case under Sections 279/304/304-A of IPC and the appellant was charge-sheeted accordingly. However, he pleaded not guilty to the charge and claimed trial.

6. To prove the charge, the prosecution examined PW1 Raj Kumar, PW2 Vijay Kumar, PW3 Constable Harvinder Singh, Mechanic, PW4 HC Daljit Singh, PW5 (wrongly mentioned as PW4), PW6 Mohan Singh, PW Dr. Sunil Bansal, PW8 Sheetal Singh, PW9 Ashok Kumar, and PW9-A Makhan Singh and, thereafter, the evidence of the prosecution was closed.

7. After closure of the prosecution evidence, the statement of the appellant under Section 313 Cr.P.C., was recorded, wherein, he denied all the allegations. In defence, the appellant examined DW1 Parampal Singh.

8. At the very outset, learned counsel for the appellant submits that he does not wish to challenge the judgement of conviction passed against the appellant by the trial Court, however, some leniency may be

shown while awarding the sentence on him. Even though, learned counsel for the appellant has not challenged the judgement of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the appellant does not deserve the concession regarding sentence and the present appeal be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution examined Raj Kumar as PW1, father of the complainant, who had identified the dead body of his son and also signed the inquest report Ex.PA. PW2 Vijay Kumar, complainant, fully supported the case of the prosecution. PW3 Constable, Harvinder Singh, Mechanic has proved on record his test report Ex. PC, which he had given after mechanically examining the motor-cycle involved in the accident. He has also proved on record his test report Ex. PB in regard to his mechanical examination of his Qualis car involved in accident. PW 4 HC Daljit Singh has proved the recovery memo Ex. PD, prepared by the I.O. ASI Kewal Singh in regard to the broken pieces of rear view mirror and that of bumper of the motor cycle, which were sealed into a parcel with seal 'KS'. PW 5 (wrongly mentioned as PW4) has proved on record his investigations in the case, preparing of rough site plan with marginal notes recording the statements of the witnesses. He got conducted the post mortem upon the dead body of deceased Dharamvir. The motor cycle and the Qualis car

were taken into police possession and then RC and driving licence of the car in question and that of the driver were taken into police possession vide recovery memo Ex. PJ as MO 3 and MO4. PW 6 Mohan Singh has proved on record the transfer of vehicle and RC of the motor-cycle No. PB-60-9546 as Ex. PL.

12. The prosecution has further examined PW7 Dr. Sunil Bansal who proved on record the report of post-mortem as Ex. PM with pictorial diagram Ex. PM/1, after conducting the examination upon the dead body of Dharamvir. PW8, Sheetal Singh, Registration Clerk of the office of D.T.O. Muktsar has proved on record that the Qualis Car No. PB-30C-6566 has been entered in the RC register in the name of Parampal Singh. PW9 Ashok Kumar Junior Assistant DTO Office Muktsar has proved on record the driving licence of the accused Gurpal Singh as Ex. PN issued by the District Transport Officer, Muktsar. PW 9, Makhan Singh Draftsman has proved the site plan Ex. PL. From the evidence led by the prosecution, it is apparent that the prosecution had led sufficient evidence to show that the appellant had committed the offence under Section 279 and 304-A IPC. Even otherwise, I have carefully gone through the judgment passed by the trial Court and find that the same does not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of conviction is ordered to be upheld.

13. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the appellant is facing the agony

of criminal prosecution/trial since 20.09.2004, i.e. for the last more than 21 years. The sentence awarded to the appellant was suspended on 22.09.2006 and for the last more than 19 years, he has maintained good conduct and has not misused the concession of bail in any manner. The appellant has already undergone actual custody of 01 month and 22 days as per custody certificate. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

14. Keeping in view the aforesaid discussion as well as the law laid down by the Hon'ble Supreme Court in *Mallappa Hanumantappa Talawar v. State of Karnataka, (Criminal Appeal No.1606 of 2025, decided on 01.04.2025)*; *Palwinder Singh v. State of Punjab, (Crl. Appeal No.2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*, the present appeal is partly allowed and the impugned judgment of conviction and order of sentence passed by the trial Court are upheld. However, the sentence imposed upon the appellant is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.1.50 lacs, which shall be deposited by the appellant as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the legal representatives of Dharamvir, since deceased, in the present case,

after proper verification and against receipt. In case the appellant fails to deposit the amount of fine within a period of two months from today, the present appeal shall stand dismissed automatically.

15. Pending applications, if any, stand also disposed of, accordingly.

08.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No