



CRR-686-2026 (O&M)

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

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**CRR-686-2026 (O&M)
Date of decision : 16.03.2026**

Sandeep Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rahul Rana, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

CRM-11261-2026

For the reasons mentioned in the application, the same is hereby allowed. The delay of 156 days in filing the accompanying petition is ordered to be condoned.

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2. For the commission of offence punishable under Sections 279, 337 and 304-A of Indian Penal Code, the FIR No.75 dated 08.04.2013 was lodged in Police Station Bilaspur, District Yamuna Nagar. 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 face trial before the Court



of learned Judicial Magistrate First Class Bilaspur, hereinafter being referred to as ‘trial Court’ only.

3. The petitioner participated in the abovementioned trial, which by virtue of judgment dated 21.09.2018 culminated into his conviction. Thus, by virtue of order on quantum of sentence, of even date, the petitioner was awarded following sentences:-

Sr. No.	Under Section	Imprisonment	Fine	In default
1.	279 of IPC	To undergo simple imprisonment for six months.	Rs.500/-	Simple imprisonment for one month
2.	337 of IPC	To undergo simple imprisonment for six months.	Rs.500/-	Simple imprisonment for one month
3.	304-A of IPC	To undergo simple imprisonment for one year.	Rs.1000/-	Simple imprisonment for three months

All the sentences were ordered to be run concurrently.

4. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Additional Sessions Judge Yamuna Nagar, hereinafter being referred to as ‘Appellate Court’ only. The appeal, preferred by the petitioner, did not find favour before the learned Appellate Court, and the same has been dismissed by virtue of judgment dated 11.07.2025.



5. Feeling aggrieved of the judgment of conviction and order of sentence dated 21.09.2018, passed by the learned trial Court, and the judgment dated 11.07.2025, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

6. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Dharam Pal', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 08.04.2013 at about 08:00-08:15 P.M. he along with Tajinder Pal Singh was going towards Sadhaura from Bilaspur on a motorcycle. According to complainant he was the pillion rider of the abovementioned motorcycle and Tajinder Pal Singh was driving the same and there was another motorcycle which was going ahead of them, driven by Kuldeep Singh. The wife of Kuldeep Singh, namely Pawan Kumari, was sitting on that motorcycle as pillion rider. As per complainant in the meantime, one truck bearing Registration No.HR-58A-0638 came and hit the motorcycle of abovenamed Kuldeep Singh, as a result of which he and his wife fell down on the road and suffered multiple injuries on their persons.

7. It was alleged by the complainant that Pawan Kumari succumbed to injuries at the spot, whereas the tyre of truck crushed his brother Ram Lal due to which he died on the spot. As per complainant, the truck driver fled from the spot and the injured Kuldeep Singh was got admitted in PHC Bilaspur.



8. It is the case of the prosecution that in view of abovementioned complaint formal FIR of this case was lodged, and the investigation taken up. As per prosecution during the course of investigation when all the necessary formalities, with regard to investigation, were completed and the entire evidence was collected, the final report under Section 173 of Cr.P.C. was filed before the Court, for the trial of petitioner.

9. Heard.

10. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserve to be set aside, being the 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 that the necessary ingredients meant for the commission of offence under Sections 279/337/304-A of IPC were not established by the prosecution, up to the standard required under the law.

11. 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 number of deficiencies, in prosecution case, were pointed out the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court.



12. 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, and 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.

13. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 2013, and that on completion of trial when the petitioner was convicted, he had preferred an appeal before the learned Appellate Court which was decided in the year 2025, and against the judgment of learned Appellate Court, the present revision petition has been filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last more than 12 ½ years and has, in fact, already suffered more punishment than he deserved. It has been further submitted on behalf of the petitioner that after the offence related to present revision petition, the petitioner has not been prosecuted for any other offence of similar nature.

14. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner has already served a sentence for a period of more than eight months. According to learned counsel for the petitioner, in view of above-discussed factors the sentence already undergone by the petitioner may be treated to be sufficient.



15. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Sections 279/337/304-A of IPC. According to learned State Counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of one year, is already on lower side, and that the petitioner is not entitled for a sentence of imprisonment for a period of less than one year. As per learned State Counsel, the instant revision petition has no merit and deserves dismissal.

16. The record has been perused carefully.

17. 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 for the offence under Sections 279/337/304-A of IPC. Accordingly, the abovementioned finding is hereby affirmed.

18. As far as the order on quantum of sentence is concerned, in view of the fact that after the present case, the petitioner has not been prosecuted for any other offence of similar nature, it is hereby held that the petitioner is entitled for a lenient view. In view of abovementioned observations, the sentence awarded to the petitioner, i.e. imprisonment for a period of one year, is held to be harsh. Thus, it is hereby observed that with



regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

19. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration: -

- (a) that the accident in question had taken place about 12 ½ years ago;
- (b) that the petitioner is facing the agony of protracted trial for the last 12 ½ years; and
- (c) that there is nothing on record to show that the petitioner has been involved in any other criminal case of similar nature.

20. As a cumulative effect of abovementioned factors, it is hereby held that in the present case the petitioner is entitled for a lenient view, and that the sentence, which he has already been undergone in the present case, i.e. imprisonment for a period of eight months and thirteen days, is adequate to meet the ends of justice.

21. As a sequel to 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.



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

(SURYA PARTAP SINGH)
JUDGE

16.03.2026
Vinod

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