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

CRR-2318-2007 (O&M)
Date of Reserve:18.03.2026
Date of Decision:24.03.2026

Kali Dass

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Y.P Khullar, Advocate
for the petitioner.

Mr. Balram Singh, Legal Aid Counsel,
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment of conviction dated 23.11.2007, passed by the Court of Sessions Judge, Rupnagar and the impugned judgment of conviction and order of sentence dated 17.11.2006, passed by the Court of Chief Judicial Magistrate, Ropar, whereby the petitioner was ordered to be convicted under Sections 279 of IPC and 304-A of IPC and sentenced to undergo R.I for a period of six months and fine of Rs.5,000/- under Section 279 IPC, in default of payment of fine, he shall undergo further R.I for a period of 15 days; R.I for period of one year and fine of Rs.1000/- under Section 304-A IPC, in default of payment of fine, he shall undergo further R.I for a period of one month.

2. The brief facts of the case are that on 28.1.2003, Pritam Singh got



recorded his statement Ex. PA that he has two brothers and one sister and all of them are married. His brother Kuldip Singh is married at village Gurah near Goraya and had been working in United India Insurance Company for the last 10/12 years. On 27.1.2003, Kuldip Singh telephoned at his residence from Delhi that he would come to Jalandhar straight from Delhi and the complainant along with their parents should also come to Jalandhar for condolence. Accordingly, the complainant along with his brother Jatinder Kumar and his parents reached Jalandhar in Esteem Car No.CH-015 0018. After the said condolence and meeting many relations living in Jalandhar, they started back for Chandigarh at about 8.30 p.m in their car. Kuldip Singh also started for Chandigarh in his Indica Car bearing No.CH-03H 0272. They had to meet one of their relatives at Kurali. Kuldip Singh was going in his car ahead of the car in which the complainant was travelling. When they reached near Gurdwara Solkhian near petrol pump, a truck came at fast speed from Kurali side and while the said truck was in the process of over taking a vehicle going ahead of the truck, the truck in a rash and negligent manner struck against the Indica car CH-03H 0272. As a result, the Indica car was pushed back. Kuldip Singh got entangled in the steering of Indica car and the roof of the car struck his skull and his skull was separated. His both legs got broken. The face of the Indica car turned towards the right side as a result of the accident. The truck also swerved and went towards extreme left edge of the road. Kuldip Singh died as a result of the accident. Information was sent to the police by getting telephone number from the Sewadar of the Gurdwara. The police reached the place of occurrence and recorded the statement of the complainant.

3. After the registration of the FIR, the vehicles involved in the



accident were taken into possession by the police. Site plan of the place of occurrence was prepared and inquest proceedings were conducted on the dead body. The necessary investigation was completed in the present case and thereafter, the challan was presented before the Trial Court.

4. After finding a prima facie case under Sections 279 and 304-A of IPC, the petitioner was charge-sheeted accordingly, to which he pleaded not guilty and claimed trial.

5. In order to prove the charge against the petitioner, the prosecution examined 08 witnesses. PW-1 Pritam Singh, complainant, PW-2 Jatinder Kumar, PW-3 Gurnam Singh, PW-4 Dr. Navtej Pal Singh, PW-5 Raju Sharma, Photographer, PW-6 ASI Karam Chand, PW-7 Naresh Kumar and PW-8 Constable Satnam Singh Mechanic.

6. In order to substantiate the charge, the prosecution examined PW-1, Pritam Singh, complainant, who supported the case of the prosecution and proved his statement Ex.PA., which was the basis of the FIR. He also proved recovery memos Ex.PB and Ex.PC, whereby, the vehicles were taken into possession. PW-2 Jatinder Kumar and PW-3 Gurnam Singh both eye witnesses had also supported the case of the prosecution and duly corroborated the statement of PW-1, Pritam Singh. PW-4 Dr. Navtej Pal Singh conducted the post mortem examination on the dead body of Kuldeep Singh and proved the post mortem report Ex. PW-4/A. The prosecution further examined PW-5 Raju Sharma, Photographer, who proved photographs Ex.P-1 to Ex.P-5 and negatives as Ex.P-6 to Ex.P-10. ASI, Karam Chand, I.O of the present case was examined as PW-6, who proved the complete investigation in the present case. PW-7, Naresh Kumar, Manager, Nitco Roadways Private Limited Chandigarh proved



the memos Ex.PW-6/D. PW-8 Constable Satnam Singh Mechanic proved his report regarding the truck and the Indica Car involved, which were involved in the accident, as Ex.PW-8/A and Ex.PW-8/B and thereafter, the prosecution evidence was closed.

7. After the closure of the evidence, the statement of accused was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to the accused, to which he pleaded that he had been falsely involved in the present case, however, he opted not to lead any defence evidence in his defence.

8. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

9. In the present case, Pritam Singh, complainant was examined as PW-1, who categorically stated that the offending vehicle was being driven in a rash and negligent manner. His testimony has been duly corroborated by PW-2 Jatinder Kumar and PW-3 Gurnam Singh, both eye witnesses. All the three witnesses had been cross-examined at length, but nothing material could be elicited, which could discredit their testimonies in any manner. Even, from the statement of PW-4 Dr. Navtej Pal Singh, the deceased had died due to accidental injuries and he had proved the post mortem report Ex. PW-4/A on record. Thus, in the considered opinion of the Court, there was sufficient evidence to show that the offending vehicle were being driven rashly and negligently by the present petitioner, which caused the accident and Kuldeep Singh, deceased succumbed to the injuries suffered by him in the said accident. Thus, the prosecution has been able to prove the offence under Sections 279 and 304-A of IPC.

10. Now, advertng to the order of sentence, this Court cannot lose



sight of the fact that the petitioner has facing the agony of trial/appeal since 28.01.2003 i.e. for the last more than 23 years. Apart from that, the sentence imposed on him was ordered to be suspended by this Court on 10.12.2007 and for the last more than 18 years, he had maintained good conduct. Thus, no purpose will be served by sending the petitioner behind the bars again after such a long period and the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him.

12. We record our appreciation for Amicus, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/- , which shall be paid by High Court Legal Services Authority, as per rules and practices.

13. Pending application(s), if any, stand(s), disposed of, accordingly.

24.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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