

2026:PHHC:054708



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

211

CRR 2338 of 2007

Date of Decision: 08.04.2026

Atma Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Pratap Singh Gill, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 04.12.2007 passed by the Court of Sessions Judge, Jalandhar and the judgement of conviction and order of sentence dated 01.06.2007 passed by the learned Judicial Magistrate 1st Class, Jalandhar, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for a period of 03 months and to pay a fine of Rs.50/- for the offence under Section 279 of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for 07 days. He was further sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs. 100/- for the offence under Section 304-A

of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days.

2. The facts of the prosecution case are that Krishan Dev, complainant, PW2, had retired from the army as Subedar and has been residing in village Dadiyal, District Hoshiarpur. On 07.06.1999, he alongwith his wife Nanki Devi, deceased, who was about 75 year old, had come to Nakodar to meet their daughter Leela Devi. The bus was stopped at Jalandhar outside the bus stand itself and he alongwith the deceased after alighting from the bus was coming inside the bus stand to board the other bus. When they just entered the bus stand, the deceased was going ahead of him. In the meanwhile, bus bearing registration No. DL-1P-6480 of private bus company came from the side of the main gate and driver of that bus without blowing any horn and by driving the same at fast speed struck against the deceased as a result of which she fell down and front left wheel of the bus passed over her stomach. As a result of the receipt of the multiple injuries, she died at spot itself. The bus stopped by the driver and a number of persons had gathered there. Taking advantage of rush of persons the driver succeeded in escaping from the spot. The complainant was proceeding to police station to lodge the report when Inderjit Singh, ASI, and other Police official met him in the bus stand itself who were present there in connection with checking. At that place, he made his statement Ex. PA before the ASI, who after making his endorsement Ex. PA/1 upon the same, sent that to the police station and on the basis of which formal F.I.R. Ex. PA/2 was recorded under Sections 279 and 304-A I.P.C. Accompanied by the complainant,

the ASI came to the place of occurrence and after inspecting the same prepared the rough site plan Ex. PW6/A with correct marginal notes. The bus was taken into possession vide memo Ex. PB. The ASI prepared the inquest report Ex. PW1/B in respect of the dead body and sent the same for post mortem examination, through Balwinder Kumar, Constable, and Chanchal Singh SPO, along with his application Ex. PW 6/B. The autopsy on dead body was performed by Dr. G.S. Mann. PW3, who found antemortem injuries on the same and gave his opinion that the cause of death was shock and haemorrhage due to those injuries which were sufficient to cause the death in the ordinary course of nature. After the post mortem examination, the wearing apparels found on the dead body were produced before the ASI, who convert those into a parcel and took that parcel into possession vide memo Ex. PW6/ C. On the same day, the bus was mechanically tested by Amarjit Singh, Constable Mechanic, who found the same to be in mechanical order and gave his report to that effect in writing. In the course of investigation, it was found that at the time of the accident, the bus was being driven by the petitioner. Efforts were made to arrest him but the same could not succeed. On 17.07.1999, an order was received from the court of Shri M.S.Pahwa, J.M.I.C. Jalandhar, to the effect that the accused (petitioner) has been released on anticipatory bail on 08.06.1999. The petitioner produced himself before the ASI, who was duly interrogated by the ASI. In the course of investigation, the documents of ownership regarding the bus involved in the accident were collected and those were taken into possession vide memo Ex.PW6/D. After the completion of investigation,

the *challan* was put in before the Judicial Magistrate Ist Class, Jalandhar, for the trial of the petitioner for the aforesaid offences.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 279 and 304-A IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Rajneesh Bhalla as PW1, Krishan Dev, complainant, as PW2, Dr. G.S.Mann, as PW3, Nirlep Singh, Head Constable as PW4, Rajesh Kumar as PW5 and Inderjit Singh, ASI, as PW6 and thereafter the prosecution evidence was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. In defence, the petitioner examined Balwinder Singh as DW1 and Amritpal Singh as DW2.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner the trial Court, however, some leniency may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the complainant, namely Krishan Dev, appeared as PW2 and reiterated all the allegations levelled in the statement Ex. PA. Still further, the complainant had narrated the complete facts and had identified the petitioner as an accused in the present case. Even, he was cross-examined at a great length by the learned counsel for the petitioner, however, he could not impeach his testimony in any manner. Still further, the dead body of the deceased was identified by PW1 Rajneesh Bhalla and he had also supported the testimony of PW2. The prosecution further examined PW4 HC Nirlep Singh and PW6 ASI Inderjit Singh, who had conducted the investigation in the present case. PW6 proved on record the site plan Ex. PW6/A, application Ex. PW6/B, recovery memos Ex. PW6/C, Ex. PB and Ex. PW6/D and he had deposited the case property with PW4 HC Nirlep Singh. Even, from the evidence led by the prosecution, the identity of the petitioner was duly established by the prosecution in the present case.

10. In order to rebut the evidence led by the prosecution, two defence witnesses, namely, Balwinder Singh as DW1 and Amrit Pal Singh as DW2, were examined. However, the said witnesses appeared before the Court in the year 2007, whereas the accident had taken place on 07.06.1999. Thus, it is apparent that both the witnesses were introduced by the petitioner just to create a false defence. From the prosecution evidence, it was amply proved that the petitioner was

driving the offending vehicle on public way rashly and negligently and had caused the accident of Nanki Devi, who finally succumbed to the injuries suffered in the accident. Even Dr. G.S. Mann, PW3, had clearly stated that the death of Nanki Devi had occurred due to the injuries suffered by her in the accident, which were sufficient to cause death in the ordinary course of nature. Even otherwise, I have gone through the judgments passed by both the Courts and find that the petitioner has been rightly convicted for the offences punishable under Sections 279 and 304-A IPC.

11. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 07.06.1999, i.e., for the last more than 26 years. Even, the petitioner was aged about 35 years at the time of the judgment passed by the trial Court and at present he is stated to be aged about 54 years. Even otherwise, he is the first time offender. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him. However, the amount of fine is ordered to be increased to Rs. 1 lakh, which shall be deposited by him with the concerned Court of Chief Judicial Magistrate within a period of two months from today.

12. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 04.12.2007 passed by the Court of Sessions Judge, Jalandhar and the judgement of conviction and order of sentence dated 01.06.2007 passed by the learned Judicial Magistrate 1st Class, Jalandhar, are upheld, whereas, the sentence

imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine is ordered to be increased to Rs. 1 lakh, which shall be deposited by him with the concerned Court of Chief Judicial Magistrate within a period of two months from today. In case the petitioner does not deposit the amount of fine of Rs. 1 lakh within a period of two months from today, the present petition shall be deemed to be dismissed by this Court. The amount of fine of Rs. 1 lakh shall be disbursed by the concerned CJM to the legal representatives of Nanki Devi, deceased, in the present case against receipt and after proper identification.

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

08.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No