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

CRR-1061-2009**Date of Reserve:11.03.2026****Date of Decision:24.03.2026**

Kashmiri Lal

...Petitioner

Vs.

State of Punjab and Anr.

...Respondents

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

Present: Mr. Raj Kumar Rathore, Legal Aid Counsel,
for the petitioner.

Mr. M.S Dhami, Advocate
for the petitioner.

Mr. Sartaj Singh Gill, Sr.DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment of conviction dated 16.04.2009, passed by the Court of Additional Sessions Judge, Jalandhar and the impugned judgment of conviction and order of sentence dated 19.03.2008, passed by the Court of Chief Judicial Magistrate, Jalandhar, whereby the petitioner was ordered to be convicted for R.I for one year and fine of Rs.1000 under Section 304 IPC, in default of payment of fine further undergo RI for two months; R.I for three months and fine of Rs.500/- under Section 279 IPC, in default of payment of fine further undergo RI for 15 days and R.I for three months and fine of Rs.300/- under Section 337 IPC, in default of payment of fine further undergo RI for 07 days.



2. The brief facts of the case are that the FIR in the present case was registered on the basis of the statement made by Manjit Singh son of Amar Nath, who alleged that he is working as pump mechanic in Electricity Board. On 31.07.2001, he alongwith Baljinder Singh son of Jaswant Singh on motor cycle No. PB08-C-3553 were going from Ranjit Nagar to bus stand. Baljinder Singh was driving the motor cycle and he was pillion rider. At about 1.30 PM when they were turning from the office Aaj Di Awaz towards police lines, a Jeep bearing No.PB02-E-6932 came rashly negligently and hit their motor cycle. Both of them fell down and he came to know the name of the driver of jeep as Kashmiri Lal son of Bakshi Ram, resident of Gali No.8. Baba Budha Ji Nagar, Jalandhar. The driver of the jeep ran away by leaving the jeep at the spot. He received many injuries upon his person which includes multiple fracture of his left leg and injury upon right thigh and right shoulder. Baljinder Singh also received injuries. Upon these allegations, FIR was registered. Complainant Manjit Singh died after few days.

3. After completion of investigation and other necessary formalities, challan was prepared and presented against the accused before the learned Illaqua Magistrate. On receipt of challan, supplied its copies to the accused free of costs as required under section 207 Cr.P.C. and framed charge against the accused under Section 279/337/304-A IPC. The accused pleaded not guilty to the charge and claimed trial.

4. In order to prove the charge against the petitioner, the prosecution examined 06 witnesses. PW-1 Nirmala Khanna, PW-2 Rajesh Kumar, PW-3 Dr. Harjit Singh, PW-4 Charanjit Kaur Clerk, DTO office, PW-5 Baljinder Singh and PW-6 Dr. Ashwani Kumar Gupta.



5. The prosecution examined PW-1 Nirmala Khanna, who stated that on 31.07.2001, her husband had gone to Jalandhar with Baljinder Singh on motorcycle. After suffering injuries in the accident, he was referred to the hospital and he died on the way. PW-2 Rajesh Kumar had identified the dead body of Manjit Singh, deceased. Further, PW-3 Dr. Harjit Singh had examined, Manjit Singh, deceased and found the following injuries :-

- “1. Lacerated crushed wound of size 7'x4' on medico anterior surface of right leg above ankle joint. Skin of the wound was missing. Both bones were fractured. Underlying structures exposed. Bones were projecting outside. Dependent part was freely movable but it showed movements of toes and vascularity was present. Fresh bleeding was also present. Injury was kept for X-ray and Orthopedic Surgeon.*
- 2. Abrasion of size 4'X3' on the lateral surface of right thigh, oozing of blood was present.*
- 3. Defused swelling of size 5cm X 3cm on lateral surface of right shoulder joint. Pain and tenderness was present Injury was kept for X-ray examination.*

He also examined Baljinder Singh on the same day and found the following injuries on his person:-

- 1. Defused swelling of size 5X5 cm on lateral aspect of right forearm below elbow joint. Pain and tenderness was present. Moments were restricted. examination. Injury was kept for x-Ray.*
- 2. Reddish contusion of size 3X1 cm present on lateral surface of right upper arm in the middle.*
- 3. Abrasion of size 3X2 cm on anterior aspect of right leg in the middle. Dozing of blood was also present.*



4. Lacerated wound size $\frac{1}{2}$ X $\frac{1}{2}$ cm present on dorsal surface of left foot below greater toe.

5. Reddish contusion of size 2X2 cm on superior aspect of right shoulder joint.

He proved on record the copy of MLRs of both the injured.

6. The prosecution further examined PW-4 Charanjit Kaur Clerk, DTO office, who proved on record that Kashmiri Lal was holding a driving license. PW-5 Baljinder Singh injured/eye witness supported the case set up by the complainant in the FIR. He had given the vivid account of the entire occurrence in the present case. The prosecution further examined Dr. Ashwani Kumar Gupta as PW-6, who conducted the post mortem examination on the dead body of Manjit Singh, deceased and post mortem report is Ex.PW-6/A.

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 and no defence evidence was led by the accused.

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

9. In the present case, the petitioner had taken the deceased to the hospital and wife of the deceased had also deposed that she had seen the petitioner in the hospital. Even, PW-5 Baljinder Singh injured also stated that he had seen the jeep, which being driven rashly and negligently manner, however, he tried to help the petitioner by stating that Baljinder Singh had turned the motorcycle on Kacha Path and due to slipping of the motorcycle, they had fallen down and received injuries. However, the statement of all the witnesses clearly suggested that the petitioner had caused the accident in the



present case. Still further, even, PW-3 Dr. Harjit Singh had also stated that Baljinder Singh was also injured in the accident. Still further, the presence of the present petitioner has not even been disputed by the petitioner himself and a clear inference can be drawn that it was the petitioner, who driving the offending vehicle and had caused accident. Even otherwise, detailed findings have been recorded by both the Courts to the effect that the petitioner alone was the driver of the jeep in question. Apart from that, even from the mechanical report, which was on the file, though not exhibited, it was apparent that even the offending vehicle was badly damaged. Thus, the petitioner was rightly convicted under Sections 279,337 and 304 of IPC.

10. Now, adverting to the order of sentence, it is apparent from the record that the petitioner is facing the agony of trial/appeal since 03.08.2001 i.e. for the last more than 24 years. Even, he is a first offender and was never involved in any other crime. Even, the sentence imposed on him was suspended by this Court on 12.05.2009 and he was never involved in any other crime during this period. Even, he was aged about 42 years at the time of filing of the appeal, which means that he is aged about 60 years, at present. 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. However, amount of fine imposed on him shall remain the same.

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 and the amount of fine imposed on him shall remain the same.

12. 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