



211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1165-2009 (O&M)
Date of Decision:09.04.2026

Om Vir Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Ashish Naik, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 16.04.2009 passed by the Court of Additional Sessions Judge, Sangrur and the judgment of conviction and order of sentence dated 30.01.2007 passed by the Court of Judicial Magistrate 1st Class, Sunam, whereby the petitioner was convicted for commission of the offences punishable under Section 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- alongwith default stipulation.

2. The brief facts of the case are that on 08.01.2002, complainant Harpal Singh son of Bhupinder Singh made a statement to ASI Harminder Singh of Police Station, Dirba to the effect that he and Parminder Singh son of Bharpur Singh and Rudal Kumar son of Harju Ram had been working as mechanic with Pantagon Mechanical Works, Dirba. Said concern is owned by Janak Raj son of Hakam Mal, resident of Grain market, Dirba. On the previous



day, the complainant and Parminder Singh were taking meals while sitting on the North India Dhaba. In the meantime, Rudal Kumar had come there on his maruti car bearing registration No. C H-01 01 L 9880 and told them that he had come there to fetch the vegetable. He had purchased the vegetable from Dhaba and was going back in the above mentioned car. Complainant and Parminder Singh also started towards village Dirba on their scooter. When Rudal Kumar reached near Hemkunt School situated within the revenue limits of village Toor Banjara, it was about 11.00 p.m. a truck was coming from the opposite side at a very fast speed. Driver of the said truck had brought the truck on the wrong side and hit the same into the car driven by Rudal Kumar. Maruti car was thrown away by the impact. Complainant started looking after the injured Rudal Kumar and Parminder Singh went to call Janak Raj on his scooter. Later on, Janak Raj and Parminder Singh reached there and they shifted Rudal Kumar to Civil Hospital, Sunam in the maruti Zen car belonging to Janak Raj. However the Medical Officer had declared Rudal Kumar to be dead. Later on, he had come to know that truck bearing registration No. HR 37 6177 was being driven by Om Vir Singh son of Tuhi Ram, resident of Sarangpur, District Bhiwani. Said accident occurred due to rash and negligent driving of the driver of the truck. On the basis of said statement, FIR No. 9 dated 08.01.2002 U/s 304 A IPC was registered at Police Station, Dirba. During the course of investigation, the investigating officer visited Civil Hospital, Sunam and prepared the inquest report of the dead body. Post-mortem examination of the dead body was also got conducted. The investigating Officer also visited the place of occurrence and prepared the rough site plan of the same. Photographs of the accidental



vehicles were also got taken and the vehicles were taken into possession from the spot vide separate memo. Accused was arrested and was released on bail. Statement of the witnesses U/s 161 Criminal Procedure Code were recorded. On completion of investigation, challan against the accused was presented before the learned Illaqa Magistrate.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Sections 304-A/427 IPC was made out against the present petitioner and he was ordered to be charge-sheeted, accordingly. He pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Dr. Ishwar Singh, PW-2 Harpal Singh, PW-3 C. Jarnail Singh, PW-4 Harju Ram, PW-5 Kulwinder Singh, PW-6 Parminder Singh, PW-7 ASI Harminder Singh, PW-8 Janak Raj, PW-9 Parminder Pal Singh, PW-10 Surinder Singh, PW-11 Jagtar Singh, PW-12 HC Balwinder Singh and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner



has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any 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 story of the prosecution was unfolded by PW2, Harpal Singh, complainant, who reiterated his version, as mentioned in the initial statement (Ex.PB). He categorically stated that the offending truck was being driven by the present petitioner in a rash and negligent manner and he had caused the accident. His statement has been duly corroborated by PW-6, Parminder Singh, another eyewitness of the occurrence as well as PW-8 Janak Raj. Still further, PW-3, C. Jarnail Singh had proved on record his reports (Ex.PW3/A and PW3/B) regarding mechanical test of offending truck and Maruti car. PW-5, Kulwinder Singh, Photographer, proved on record the photographs (Ex.P1 to Ex.P3) and negatives (Ex.P4 to Ex.P6). ASI Harinder Singh, PW-7 was the investigating officer in the present case and proved the endorsement (Ex.PW-7/A) and the copy of FIR (Ex.PW7/B). He has also proved inquest report of the dead body (PW7/C), the application made by him to the Medical Officer for conducting the post-mortem examination of the dead body (PW-7/D), rough site plan of the place of occurrence (Ex.PW7/H) and memo regarding recovery of the vehicles from the spot (Ex.PW6/A). Still further, Dr. Ishar Singh, Medical Officer moved the postmortem report (Ex.PA),



and it was apparent that the deceased had suffered injuries in the accident, which was caused by the present petitioner. Even, all the witnesses were cross-examined at length, but the testimonies of all the witnesses remained unshaken. Even, there was overwhelming evidence on the file to prove the identity of the petitioner as the driver of the offending vehicle. Still further, from the evidence placed on record, it was apparent that there was sufficient evidence to show that the petitioner had committed the offence under Section 304-A of IPC.

10. Now advertent 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/revision since 08.01.2002 i.e. for the last more than 24 years. Even as per the custody certificate, the petitioner has already undergone 01 month and 13 days of actual custody, out of total sentence of one year. Moreover, the sentence imposed on the petitioner was suspended by this Court on 28.05.2009 and in the last 17 years, he has maintained good conduct. Moreover, the petitioner is the first offender and not involved in any other criminal activity. Thus, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner and the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine as imposed upon the petitioner is Rs.1,00,000/-, which shall be deposited by him before the concerned Judicial Magistrate, within a period of 02 months from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced amount of fine is not deposited within the aforesaid period of two months as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically



stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine as imposed upon the petitioner is Rs.1,00,000/-, which shall be deposited by him before the concerned Judicial Magistrate, within a period of two months from the date of receipt of certified copy of this order. The amount of fine of Rs.1,00,000/- shall be paid by the concerned Judicial Magistrate to the LRs. of the deceased in the present case against receipt and proper identification of LRs.

12. Pending applications, if any, stand disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

09.04.2026
hemlata

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