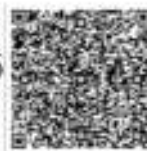


2026.PHHC:076155



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

208

CRR 1188 of 2009

Date of Decision: 11.05.2026

Sheera Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. L.S.Sidhu, 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 of conviction dated 18.03.2009 passed by Additional Sessions Judge, (Adhoc), Fast Track Court, Ludhiana and the judgement of conviction and order of sentence dated 05.02.2008 passed by the Court of Judicial Magistrate 1st Class, Ludhiana, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/- under Section 279 IPC alongwith default stipulation. He was further sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- under Section 304-A IPC alongwith default stipulation.

2. The case of the prosecution briefly stated is that on 28.10.2000, a wireless message received at Police Station Basti

Jodhewal, Ludhiana from CMC Hospital, Ludhiana regarding admission of Sapna daughter of Kasturi Lal resident of H.No. 8501, Gali No. 4, Bhagwan Nagar, P.S. Basti Jodhewal, Ludhiana. She was injured in an accident. On this, ASI Gulab Singh rushed to CMC Hospital where he obtained the written opinion of the doctor regarding fitness of the injured to make statement but doctor opined that the injured was unfit to make a statement. On 28.10.2000, the father of the injured, namely, Kasturi Lal son of Sh. Amar Nath, resident of H. No. 8501 Gali No. 4, Bhagwan Nagar, P.S. Basti Jodhewal, Ludhiana met him (ASI Gulab Singh), he got recorded his statement with the IO, ASI Gulab Singh, wherein, stating that he is residing on the address aforesaid along with his family on rent. His daughter, namely, Sapna aged about 18-19 years, was working in the hosiery at Shivpuri Road, Ludhiana. On 20.10.2000, he took his daughter from the hosiery and was going towards his house. His daughter was going ahead on her cycle and he was going behind her on his cycle. On 28.10.2000, at about 07.30 p.m., when they reached near the Chowk Sekhewal, then a tempo Tata 608 No. PB-31B-7574 which was being driven by driver Sheera Singh, who was driving the same at a high speed, rash and in a negligent manner, without blowing any horn, struck into the cycle of his daughter, who fell down on the road and became unconscious. He took his daughter to the Civil Hospital, Ludhiana, for her treatment and that she received grievous hurt on her head and legs in this accident. Thereafter, she got admitted into C.M.C. Hospital, Ludhiana where she was under treatment and in an unconscious condition. He got his statement recorded at C.M.C.

with the IO and he heard the same which is correct. In the end, complainant stated that the accused left the tempo on the spot and fled away from the spot. On the same day at about 07.35 p.m. a wireless quest has been received from CMC Hospital, Ludhiana at P.S. Basti Jodhewal, Ludhiana that injured Sapna had died. On this, a case was registered against the accused under Section 279/338/304 A I.P.C. After the completion of the necessary investigation, instant *challan* against the petitioner was presented in the Court.

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, prosecution examined 05 witnesses. Thereafter, evidence of the prosecution was closed.

5. After the 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. No evidence was led in defence.

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 by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements 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, Dr. U.S. Sooch, Medical Officer, was examined as PW1, who conducted the post-mortem examination on the dead body of Sapna at 02:15 on 29.10.2000 and proved her post-mortem report Ex. PA and pictorial diagram as Ex. PA/A. Dr. Munish Ahuja was examined as PW2, who brought the record relating to Sapna who was brought to their hospital on 20.10.2000 and proved the injuries report Ex. PA. PW3, Kasturi Lal, complainant, supported the case of the prosecution. PW4, SI Gulab Singh, proved the investigation in the present case. As per PW5, Jeevan Kumar, he was the owner of tempo four-wheeler and the petitioner was the driver on the said vehicle. After he caused accident of a girl Sapna in Ludhiana, thereafter, he left the job with him. PW6 Vinod Kumar, photographer, had proved the photographs, Ex. PW6/A and Ex. PW6/B and the negatives, Ex. PW6/C and Ex. PW6/D. From the evidence led by the prosecution, it was apparent that the prosecution has been able to prove that the death of Sapna was caused due to rash and negligent driving of the offending vehicle by the present petitioner. Sufficient evidence was led by the prosecution regarding the identification of the petitioner in the Court as well as during investigation. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and

Appellate Court and found that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgments of conviction are ordered to be upheld.

10. Now, advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 28.10.2000, i.e., for the last more than 25 years. Still further, as per the custody certificate, he has undergone more than one month out of total sentence of 1 year. Even his sentence was suspended by this Court on 07.05.2009 and in the last more than 17 years, he had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in *Mallappa Hanumantappa Talawar v. State of Karnataka, (Criminal Appeal No.1606 of 2025, decided on 01.04.2025)*; *Palwinder Singh v. State of Punjab, (Crl. Appeal No.2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.1,50,000/-, which shall be deposited by the petitioner as

compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the legal representatives of Sapna, since deceased, in the present case, after proper verification and against receipt. In case the petitioner fails to deposit the amount of fine within a period of two months from today, the present petition shall stand dismissed automatically.

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

11.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No