

2026.PHHC.068709



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

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CRR 1820 of 2009 (O&M)
Date of Decision: 04.05.2026

Rajender Singh

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. R.A. Sheoran, Advocate
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 16.07.2009 passed by the Court of Additional Sessions Judge, Bhiwani and the judgement of conviction dated 06.11.2007 and order of sentence dated 13.11.2007 passed by the Court of Judicial Magistrate First Class, Siwani Camp at Bhiwani, whereby, the petitioner was held guilty for the commission of offence punishable under Sections 279 and 304-A IPC and was sentenced to pay a fine of Rs.1000/- for commission of offence punishable under Section 279 IPC. He was further sentenced to undergo rigorous imprisonment for a period of eight months and to pay fine of Rs.500/- for commission of offence punishable under Section 304-A IPC alongwith default stipulation.

2. Brief facts of the case are that on 02.11.2001, a VT message was received from in-charge, Police Post General Hospital, Bhiwani, in

Police Station Bawani Khera, to the effect that Rajinder son of Sultan Singh and Ram Singh son of Udmi Ram, were admitted in General Hospital, Bhiwani, in injured condition, upon which, HC Desraj and Constable Randhir Singh reached General Hospital, Bhiwani. HC Desraj obtained two medical *ruqqa* and four MLRs of injured persons, namely, Rajender Singh, Ram Singh and two unknown persons and reached emergency ward, where Umed Singh was present, whose statement Ex.PW2/A was recorded, wherein, it was stated by him that he is an agriculturist by profession. On 02.11.2001, he along with Bijender son of Om Parkash, brother Sunder Singh and Rajbir son of Nafe Singh, residents of village Rohnat, had gone to Bawani Khera, to purchase fertilizer and seeds. His brother Sunder Singh was riding a motor-cycle, make Suzuki bearing No.HR-16-B-9243, which was being driven by Rajbir. Complainant himself was also riding a motor cycle make Hero Honda bearing No.HR-16-C-3399 which was being driven by Bijender son of Om Parkash. Sunder Singh and Rajbir were ahead of complainant and Bijender. When they reached within the revenue estate of village Paposa, then from the front side, a motorcycle Hero Honda without number was seen coming. Two persons were riding this motorcycle, who came to be known as Rajender Singh Sarpanch and Ram Singh son of Udmi Ram, both residents of village Sumera Khera. Rajender Singh Sarpanch was driving his motorcycle at a high speed, rashly and negligently. He came from the side of village Jamalpur and without caring for a turn on the road, rammed his motorcycle into the motorcycle bearing registration No.HR-16-B-9243, on which Sunder

Singh and Rajender were riding. Resultantly, Sunder Singh and Rajbir suffered injuries in their heads and faces. Ram Singh and Rajinder Singh also suffered injuries. A four wheeler came at the spot and all the injured were taken to Civil Hospital, Bhiwani from where Sunder Singh and Rajbir were referred to P.G.I.M.S., Rohtak.

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

4. In order to prove its case, the prosecution examined Bijender as PW1, Umed as PW2, Ram Singh as PW3, Rajbir as PW4, Hukam Chand as PW5, Dr. Narender Singh, District Medical Officer as PW6, Dr. R.P. Sharma, SMO, as PW7, Constable Gian Singh as PW8, Sube Singh as PW9, EHC Dharambir No.994 as PW10, ASI Deshraj as PW11 and Kuldeep as PW12 and, thereafter, 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, no evidence was led.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgements of conviction passed against the petitioner by 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 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, the prosecution case is primarily based on the statement of PW1 Bijender, who narrated the entire sequence of events. He reiterated the allegations as mentioned in the FIR in the present case. His statement has been duly corroborated by PW2 Umed. Ram Singh PW3 did not support the case of the prosecution and partly turned hostile. PW6 Dr. Narender Singh had conducted the post-mortem examination on the dead body of Rajbir and submitted his report before the Court. Dr. R.P. Sharma PW7 had proved the MLRs of Rajbir and Sunder and also stated that Rajender Singh petitioner had also suffered four injuries in the said accident. Constable Gian Singh, Mechanic, proved the mechanical reports Ex. PW8/A and Ex. PW8/B regarding both the motorcycles. PW11 Deshraj deposed the facts about the investigation conducted by him. Apart from that EHC Dharambir PW10 had also remained associated to the file of the present case. PW12 Kuldeep, photographer, proved the photographs Ex. PW12/A to Ex. PW12/B and negatives Ex. PW12/A to Ex. PW12/G. From the statements of aforesaid witnesses, it was rightly held that on the basis of the statements made by PW1 Bijender and PW2 Umed, it stood established that the accident had taken place due to rash and negligent driving of the petitioner, leading to the death of Rajbir and Sunder. Even

otherwise, I have carefully gone through the judgments passed by both the Courts and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

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 since 02.11.2001, i.e., for the last more than 24 years. Further, he had also suffered injuries in the present case in an accident as only two motorcycles were involved from both sides. Apart from that, the sentence imposed on him was suspended by this Court on 22.07.2009 and in the past about 17 years, he had maintained good conduct. Even, in the past also, he was never involved in any other. Moreover, the petitioner is a cancer patient and is a senior citizen. 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.25,000/-, 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 Rajbir and Sunder, since deceased, in the present case, after proper verification and against receipt.

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

04.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No