

2026:PHHC:054762



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

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CRR 278 of 2009

Date of Decision: 08.04.2026

Rajinder Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Kewal Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 16.01.2009 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Ludhiana and the judgement of conviction and order of sentence dated 06.09.2007 passed by the Court of Chief Judicial Magistrate, Ludhiana, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code. He was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs. 500/- 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 30 days. He was also sentenced to undergo rigorous imprisonment for a period of 06 months under Section 279 of IPC.

2. The brief facts of the case of the prosecution are that the present case was registered on the statement made by complainant Bhagat Singh son of Nahar Singh to ASI Ajit-Singh to the effect that on 28.11.96 at about 6.30 p.m., He accompanied by his cousin Pritam Singh was going from the side of Samrala Chowk towards his village Mundian Khurd on a scooter. His son Tejinder Singh and his grandson Amanpreet Singh were also going on their scooter bearing registration No.PB-10-W-2359, and when they reached near the petrol pump situated near P.P.Virdhman, a tempo bearing registration No.PB-10-H-9557 came from the opposite side on a very fast speed. The said Tempo was being driven in a rash and negligent manner. The tempo driver did not blow any horn and brought the tempo on the wrong side of the road. He had hit the said tempo into the scooter of his son Tejinder Singh. His son Tejinder Singh and grandson Amanpreet Singh received multiple injuries in the accident, the scooter was also badly damaged. The driver of the tempo ran away after leaving the tempo at the spot. Later on, he came to know that the name of the driver of the tempo was Rajinder Singh son of Sukhdev Singh, resident of village Abupura. He got his son and grandson shifted to the Cancer Hospital, Ludhiana. The accident had occurred due to the rash and negligent driving of the driver of the Tempo. On the basis of said statement, FIR No.215 dated 29.11.1996 under Sections 279/337/338/427/304-A IPC was registered at P.S.Focal Point, Ludhiana. During the course of investigation, the Investigating Officer prepared the inquest report of the dead body of Tejinder Singh and postmortem on the dead body was also conducted.

He had visited the place of occurrence and prepared a rough site plan of the same. The photographs of the accidental site were taken, the vehicles were taken into possession vide separate memos. The accused was arrested and he was released on bail. The vehicles were got mechanically tested. Statements of the witnesses were recorded and after the completion of investigation, *challan* against the accused was presented before the Illaqa Magistrate.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 279, 337 and 304-A IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 Dr. S.K. Sharma, PW2 Bhagat Singh, PW3 Amanpreet Singh, PW4 Chhange Lal, Mechanic, PW5 Parminder Singh, Photographer, PW6 ASI Ajit Singh and thereafter the evidence of the prosecution 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 Parminder Singh, Clerk, Octroi Department, Municipal Corporation, Ludhiana as DW1 and, thereafter, closed his defence evidence.

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 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 case of the prosecution was unfolded by PW2 Bhagat Singh, complainant, who reiterated his statement Ex. PA, i.e., the FIR. He also proved the recovery memos Ex. PB and Ex. PC regarding the recovery of tempo and scooter from the spot. The statement of PW2 Bhagat Singh has been duly corroborated by PW3 Amanpreet Singh. Apart from that, Dr. S.K. Sharma, PW1, had conducted the post-mortem examination on the dead body of Tejinder Singh and proved the PMR report Ex. PW1/A. Chhange Lal, mechanic, appeared as PW2 and proved the report Ex. PW4/A regarding the mechanical test of the offending vehicle and also proved the report Ex. PW4/B regarding the mechanical test of the scooter. PW5 Parminder Singh had proved the photographs Ex.PW5/1 to Ex.PW5/3 and negatives Ex.PW5/4 to Ex.PW5/6. Still further, even though the prosecution examined PW6 ASI Kuldip Singh, the Investigating officer. He did not appear for cross-examination and his statement could not be read into evidence. The petitioner has also examined DW1 Parminder Singh, Octroi Clerk of Municipal Corporation, Ludhiana to prove the Octroi Receipt Ex.DA/1 showing that the tempo in question had paid the

octroi at 6:45 p.m. on 28.11.1996. From the testimonies of PW2 Bhagat Singh, complainant and PW3 Amanpreet Singh, eyewitnesses, it was apparent that both the eyewitnesses had given vivid account of the entire occurrence and both of them had categorically stated that the accident had taken place due to rash and negligent driving by the present petitioner. Even, both the witnesses were examined at length, however, their testimonies could not be discredited in any manner. Still further, the prosecution had examined Dr. S.K. Sharma, who proved on record the post-mortem report of the dead body of Tejinder as Ex. PW1/A, which clearly showed that the deceased had suffered injuries in a vehicular accident which was caused by the petitioner. Apart from that, the testimony of PW4, Chhange Lal, Mechanic also corroborated the prosecution version. Thus, there was sufficient evidence to hold that the petitioner was guilty of committing the offence punishable under Sections 279 and 304-A IPC. 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.

10. 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 29.11.1996, i.e., for the last about 29 years. Even, the sentence imposed on the petitioner was suspended by this Court on 10.03.2009 and in the last more than 17 years, he has maintained good conduct. Even otherwise, he is the first time offender and has already undergone about 02 months of actual custody out of total sentence of 01

year. 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.75,000/-, which shall be deposited by him with the concerned Court of Chief Judicial Magistrate within a period of two months from today.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 16.01.2009 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Ludhiana and the judgement of conviction and order of sentence dated 06.09.2007 passed by the Court of Chief Judicial Magistrate, Ludhiana, 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. 75,000/-, 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.75,000/- 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.75,000/- shall be disbursed by the concerned CJM to the legal representatives of Tejinder Singh, deceased, in the present case against receipt and after proper identification.

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

08.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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