

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-488-2009 (O&M)
Date of Decision:21.04.2026

Bansi Lal ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Ms. Yogita Soni, Advocate for
Mr. Sanjay Verma, 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 judgment dated 03.02.2009 passed by the Additional Sessions Judge, Sangrur, whereby the judgment of conviction and order of sentence dated 04.12.2006, passed by the Court of Judicial Magistrate 1st Class, Sangrur was partly upheld, however, the quantum of sentence was modified and the petitioner was sentenced as under:-

Under Section	RI
304-A of IPC	To undergo RI for a period of one year and to pay a fine of Rs.500/- and in default of payment of fine, further undergo RI for one month.
279 of IPC	To undergo RI for a period of one year and to pay a fine of Rs.250/- and in default of payment of fine, further undergo RI for 15 days
337 of IPC	To undergo RI for a period of one year and to pay a fine of Rs.250/- and in default of payment of fine, further undergo RI for 15 days



2. The brief facts of the case are that on 09.11.2000, complainant Nathu Singh son of Hazsoor Singh, resident of Bhattiwal Kalan made the statement to the effect that on the previous night, he was present at the liquor vend of village Thaman Singh Wala. Amrik Singh alias Bhappa son of Gurdial Singh of his village was going on a tractor make Mohindra of red colour. Hardev Singh son of Sadhu Singh, resident of village Thaman Singh Wala was sitting on the right side mud guard of the said tractor. Said tractor was at a slow speed. When the tractor was about to cross the bridge, a tanker came from the opposite side. Said tanker was being driven at a very fast speed. The driver of the said tanker was driving his vehicle in a negligent manner while crossing the bridge and he hit his tanker into the tractor at about 11.00 p.m. After the occurrence, driver of the tanker had stopped his vehicle. He had got down from the said tanker. Complainant had also rushed towards the spot. However, he could not note the number of the tanker on account of being illiterate. Driver of the tanker had disclosed his name as Bansi Lal son of Mehar Singh, resident of Akalgarh, Police Station, Julana, District Jind. On account of the impact of the accident, Amrik Singh had fallen down from the tractor. He had died on the spot on account of the injuries received by him. Hardev Singh had received some minor injuries. He had also accompanied the complainant with the driver of the tanker. After leaving Hardev Singh on the spot, complainant had gone to the village of Hardev Singh to inform them about the occurrence. Some villagers came with him to the spot. They had taken Hardev Singh to hospital. However, complainant remained present on the spot. It was further stated by him that tractor was also damaged badly and it had fallen into canal on account of the



accident. On the basis of said statement, FIR No.169 dated 09.11.2000 U/S 304A/337/279 IPC was registered at Police Station, Bhawanigarh. During the course of investigation, the IO prepared the rough site plan of the place of occurrence and got the photographs of the spot taken. Inquest report of the dead body of Amrik Singh was prepared and postmortem examination on the dead body was got conducted. Tractor was taken into possession from the spot. On the next day, accused was arrested and his tanker alongwith documents i.e. certificate of registration and driving licence of the accused were taken into possession. Accused was released on bail. Vehicles were got mechanically tested. Statements of the witnesses U/s 161 Cr.P.C. were recorded. On completion of investigation, challan against the accused was presented in the Court of Illaqa Magistrate.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Sections 279, 304-A and 337 of IPC was made out against the petitioner and he was ordered to be charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, prosecution examined PWI Dr. Karam Singh, PW2, Mohd. Nishan, PW3 Nathu Singh, complainant, PW4 HC Parmeshwar Singh, PW5 Bant Singh, Photographer, PW6 Mohd. Nishan, PW7 C. Avtar Singh, PW8 Rattan Singh, PW9 Hardev Singh, PW10 Sewa Singh, PW11 Satpal, PW12 ASI Harbans 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 the allegations and pleaded false implication in the present case. No evidence was led in defence.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction, however, some leniency may be shown while awarding the sentence to the petitioner and relied upon the case laws in the matters of ***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. A. No.2827 of 2025, decided on 23.05.2025); Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl.A.No.3009 of 2025, decided on 15.07.2025) and Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467.*** Even though, learned counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

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.

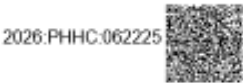
9. In the present case, the FIR was got registered by Nathu Ram son of Azul Singh, PW-3/complainant and the matter was immediately reported to the police. Even the FIR was got registered by the complainant with promptitude. Even the name of the driver was mentioned in the initial complaint itself. While appearing in the witness box, PW3, Nathu Ram reiterated his version made before the police. Still further, his testimony had



been duly supported by the statement of PW-9, Hardev Singh, who had also received injuries in the occurrence. Even the site plan (Ex.P16) further supported the ocular version of the witnesses. Still further, PW-11, owner of the truck, had also stated that the accused was known to him and his brother was employed with him. Even the petitioner was arrested on 10.11.2000, while driving the tanker in question. Thus, it cannot be believed that the petitioner was not employed with PW-11. Both the Courts have rightly convicted the petitioner under Sections 279, 377, 304-A of IPC and the impugned judgments of conviction are ordered to be upheld.

10. Now, advertng to the order on quantum of sentence, this Court is aware of the fact that the FIR in the present case was registered on 06.02.2001 i.e. almost 25 years ago. The sentence imposed on the petitioner was suspended on 30.03.2009 and since then, the petitioner had maintained good conduct. Hence, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs.1.25 lakhs, which shall be deposited by the petitioner with the Chief Judicial Magistrate, Sangrur, out of which, Rs.1,00,000/- shall be paid to the LRs. of the deceased against receipt and proper identification of LRs and Rs.25,000/- shall be paid to the injured of the present case, within a period of 02 months from the date of receipt of certified copy of this case.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. In case,



the fine amount is not deposited within a period of two months from the date of receipt of certified copy of this order, the present petition shall be deemed to be dismissed.

- 12. Pending applications, if any, stand disposed of, accordingly.
- 13. The case property, if any, may be dealt with as per rules.

21.04.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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