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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1058-2010
Date of Decision:30.03.2026

Bhupinder Singh ...Petitioner
Vs.
State of Punjab ...Respondent

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

Present: Mr. Divyadeep Walia, Advocate
for the petitioner.

Mr. Bhanu Partap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 16.03.2010 passed by the Court of Additional Sessions Judge, Mansa and the impugned judgment of conviction and order of sentence dated 12.06.2008, passed by the Court of Sub-Divisional Judicial Magistrate, Sardulgarh, whereby the petitioner was ordered to be convicted for the offences punishable under Sections 279 and 338 of IPC and was sentenced as under:-

Under Section 279 IPC	R.I for a period of six months and to pay a fine of Rs.500, in default of payment of fine, to further undergo RI for a period of 01 month.
Under Section 338 IPC	R.I for a period of one year and to pay a fine of Rs.500, in default of payment of fine, to further undergo RI for a period of three months.



2. The brief facts of the case are that on 22.09.2002 ASI Lalinder Singh recorded the statement of complainant Mahasha Singh at Bus Stand Sardulgarh to the effect that he is resident of Village Rorki and was an agriculturist. On 19.09.2002, he alongwith Sukhwinder Singh S/o Bharpur Singh were standing on the main Sardulgarh Sirsa road at the bus stand of village Rorki. He was to go to Sirsa on that day. At about 10.25 A.M., his cousin Sandip Singh was returning from school after appearing in the examination. He was standing on road towards Village Rorki. At that time one Tata Sumo jeep came from Sardulgarh side at a high speed and was being driven in rash and negligent manner. It collided with Sandip Singh and the driver escaped alongwith the jeep. The jeep was bearing No.HR-23-A-0481, which was noted down by the complainant. It was being driven by a person appearing to be Muslim. Sandip Singh was strained with blood due to the injuries and was taken care of by the complainant. Soon after his paternal uncle Sukhdev Singh alongwith Sukhwinder Singh came to the spot on a scooter and the injured Sandip Singh was moved to the Civil Hospital, Sardulgarh. The doctor referred the injured to the hospital of Dr.Dinesh Gupta Neuro Surgeon Power House Road, Bathinda as the condition of the injured was critical. The injured was then taken to the above said hospital. He had suffered injuries on his face. On the basis of this statement, FIR was registered and investigation was taken up. On 01.10.2002 the doctor gave the opinion that the injuries are dangerous to life. Accordingly, offence under section 338 IPC was added. On 17.10.2002 the accused was arrested and the Tata Sumo Jeep bearing No. HR-23-A-0481 was taken into police possession. On completion of investigation, challan was prepared and presented in the Court.



3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279 and 338 of IPC was made out against the accused and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the accused, the prosecution examined 09 witnesses. PW-1 Mukhtiar Singh, Mechanic, PW-2 Dr. Dinesh Gupta, Neuro Surgeon, PW-3 Mahasha Singh, complainant, PW-4 Sukhwinder Singh, PW-5 Sukhdev Singh, PW-6 Avtar Singh, Junior Assistant, PW-7 Sant Singh, PW-8 ASI Lalinder Singh and PW-9 Sandip Singh and closed the prosecution evidence.

5. After the closure of the prosecution evidence, the statement of accused was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No evidence in his defence was led by the accused.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully

8. To prove the case of the prosecution, Mahasha Singh complainant appeared as PW-3 and reiterated the version as mentioned in the FIR. His statement was duly corroborated by PW-4 Sukhwinder Singh, eye witness. The



depositions of both these witnesses were consistent regarding identification of the petitioner as the driver of the offending vehicle. Even, both the witnesses were subjected to incisive cross-examination by learned defence counsel, however, nothing material could be elicited from their testimonies, which could cause a dent in the case of the prosecution. To support the testimonies of abovestated witnesses, the prosecution case was further fortified by the testimony of PW-2 Dr. Dinesh Gupta, Neuro Surgeon, who treated Sandip Singh, injured from 19.09.2002 to 06.10.2002. He also proved discharged summary as Ex.PW-2/A and treatment record as Ex.PW2/C. PW-2 Dr. Dinesh Gupta, also proved the injuries suffered by the injured in the present case.

9. Apart from that, even PW-1 Mukhtiar Singh, Mechanic proved his mechanical report as Ex.PA. PW-5 Sukhdev Singh also corroborated the evidence of the injured as well as the eye witnesses. PW-9 Sandip Singh, injured proved the rash and negligent driving of the accused in the present case. Apart from that, PW-8 ASI Lalinder Singh has proved the entire investigation in the present case. Thus, from the prosecution evidence it was apparent that the petitioner had been rightly convicted for the offences punishable under Sections 279 and 338 of IPC.

10. Now, adverting to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 22.09.2002 i.e for the last more than 23 years. Still further, as per the Custody Certificate, he has undergone actual custody of two months and one day out of total sentence of one year. Even, sentence imposed on the him was ordered to be suspended by this Court vide order dated 12.05.2010 and in the past more than 15 years, he had been maintaining good conduct and was never



involved in any other crime in his life. Thus, it would be appropriate to reduce the sentence imposed on the petitioner to the period already undergone by him in the present case. However, the amount of fine shall remain the same.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine shall remain the same.

30.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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