



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1304-2010 (O&M)
Date of Decision:09.04.2026

Surmukh Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Kanwal Goyal, Advocate and
Ms. Kamal Klana, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 01.05.2010 passed by the Court of Additional Sessions Judge, (Fast Track Court), Patiala and the judgment of conviction and order of sentence dated 06.08.2005 passed by the Court of Sub-Divisional Judicial Magistrate, Rajpura, whereby the petitioner was convicted for commission of the offence punishable under Section 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- alongwith default stipulation.

2. The brief facts of the case are that on 18.03.2000, ASI Salinder Singh alongwith some other police officials was going to Rajpura Town through KSM road in connection with patrolling. When the police party reached near Nirmal Stadium, complainant Jagdish Kumar made him statement that he is resident of Rajpura Town and is working as Agent with Patiala Express



Transport. On that day at about 8.40 a.m, when the complainant alongwith Dr. Ramesh Kumar son of Dr. Sham Sunder, resident of Gandhi Colony, KSM Road, Rajpura Town was standing in front of house of Dr. Ramesh Kumar at Kasturba Road, then a private bus No. PJP-5566 of Amrit Banaspti Ltd. came from Main Bazaar Hira Chowk side at a very high speed. Giani Devi wife of late Sheetal Dass, resident of H.No.1172, KSM Road, Rajpura Town, who was aunt of Dr. Ramesh Kumar was going on the road towards her house. She was going on correct side of the road. The abovesaid bus was being driven by accused Surmukh Singh son of Bachan Singh, resident of village Jhansla, Police Station Banur in a rash and negligent manner and it run over Giani Devi. Front left side fire of the bus crushed head of Giani Devi. She received some other injuries on her person. Her injuries were bleeding. Noise was raised by the complainant and the bus was stopped by its driver. However, the bus driver fled away from the spot after leaving the bus there. Complainant can identify the bus driver. Then complainant and Dr. Ramesh Kumar with the help of some other persons tried to shift Giani Devi to A.P Jain Hospital, Rajpura. But due to bleeding from her head, she died at the spot. After leaving Dr. Ramesh Kumar near dead body of Giani Devi, when the complainant was going to give information at Police Post Kasturba Road, then a police party met him and reached the spot and recorded his statement.

3. After registration of the FIR, necessary investigation was conducted by the police. Still further, after concluding the investigation, the final report under Section 173 Cr.P.C. was presented before the Court of law. The charge under Sections 279, 304-A 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, the prosecution examined PW1 Davinder Singh, Mechanic, who proved report Ex.PA. PW-2, Dr. Ramesh Kumar is an eye witness of the accident in question and Ex. PB is his statement recorded by the police. PW-3, Jagdish Kumar, complainant is also an eye witness of the accident in question and Ex.PC is his statement recorded by the police. PW-4, ASI Salinder Singh, Investigating Officer of the case proved documents Ex.PC to Ex.PJ. PW-5, Dr. Satish Bansal, proved post-mortem examination report (Ex. PW5/A) and thereafter, the prosecution evidence 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 allegations and pleaded false implication in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both 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 judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.



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 prosecution examined Jagdish Kumar, complainant as PW-3, who supported the case of the prosecution in totality. PW-2, Dr. Ramesh Kumar was also an eye-witness of the accident and proved the same on record. The statements of these witnesses were recorded by PW-4 ASI Salinder Singh, who conducted the initial investigation in the present case. PW-5, Dr. Satish Bansal conducted post-mortem examination on dead body of Giani Devi at A.P Jain Civil Hospital, Rajpura on 18.3.2000 and found injuries, as detailed in post mortem report Ex. PW4/B on the person of the dead body. In his opinion all the injuries were *anti mortem* in nature and were sufficient to cause death. Further the death was caused due to shock and haemorrhage as a result of crush injury.

10. From the evidence led by the prosecution, it is apparent that PW-2 Dr. Ramesh Kumar and PW-3 Jagdish Kumar, both had witnessed the accident, which was caused by the offending vehicle, driven by the petitioner in a rash and negligent manner. Even from the statements of PW-2, Dr. Ramesh Kumar and PW-3 Jagdish Kumar, it is evident that the petitioner was already known to them and had been seen by them driving the bus in question. Thus, it is apparent that there was no illegality and perversity in the impugned judgments and the



petitioner has been rightly convicted by both the Courts under Section 304-A of IPC.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing prosecution since 18.03.2000 i.e. for the last more than 26 years. Even as per the custody certificate, the petitioner has already undergone 03 months and 14 days of actual custody, out of total sentence of one year. Moreover, the sentence imposed on the petitioner was suspended by this Court on 12.05.2010 and since then, he is not involved in any other criminal activity. Even, he is a first offender. Thus, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner and the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is Rs.50,000/-, which shall be deposited by him before the concerned Judicial Magistrate, within a period of 02 months from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of two months as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is Rs.50,000/-, which



shall be deposited by him before the concerned Judicial Magistrate, within a period of two months from the date of receipt of certified copy of this order. The amount of fine of Rs.50,000/- shall be paid by the concerned Judicial Magistrate to the LRs. of the deceased in the present case against receipt and proper identification of LRs.

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

09.04.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No