

2026:PHHC:069077



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

207

CRR 2117 of 2010

Date of Decision: 29.04.2026

Bhupinder Singh @ Bhinder

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Vishal Sharma, 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 14.07.2010 passed by the Court of Additional Sessions Judge, Ludhiana, and the judgement of conviction and order of sentence dated 28.11.2006 passed by the Court of Judicial Magistrate 1st Class, Ludhiana, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A of IPC and was sentenced as under:-

*“Under Section 279 IPC to undergo rigorous imprisonment
for 03 months*

*Under Section 304-A IPC to undergo rigorous
imprisonment for one year”.*

2. Brief facts of the prosecution case are that on 24.07.1997 one Vijay Kumar reported to ASI Som Nath at Shivpuri Chowk G.T. Road where ASI was on patrolling duty that yesterday at around 09.45 p.m., he and his brother-in-law Charanjit Singh and his brother Devinder

Kumar were coming to the house of Devinder Kumar in Gandhi Nagar. When they were crossing the chowk from Noorwala Road one Bus bearing No. DL-1P-6699 of Janta Travel came at a high speed, negligently and without blowing horn and on wrong side and hit the front bumper with cycle of Charanjit Singh. Complainant Vijay Kumar and his brother Devinder Kumar were just behind Charanjit Singh. Due to the impact Charanjit Singh fell down on the metalled road and his cycle was also damaged. Charanjit Singh suffered injuries on his head, forehead, left eye, arms, legs, foot and on the back. Name of the driver of the offending bus was Bhupinder Singh accused. Both complainant Vijay Kumar and Devinder Kumar took care of Charanjit Singh. Meanwhile accused Bhupinder Singh fled away from the spot. In the mean time Asha Rani wife of Charanjit Singh also came at the spot. All of them took Charanjit Singh to the hospital where doctor declared Charanjit Singh being brought dead. This accident occurred due to rash and negligent driving of accused Bhupinder Singh who was driving the Bus No. DL-1P-6699. On the basis of this statement *prima facie* offence under Sections 279/304A/427 IPC was found to be made out and *ruqa* was sent through C. Bakhminder Singh for registration of FIR. ASI Som Nath prepared rough site plan upon reaching at the spot and took cycle and bus into possession vide separate memo. Photographs of cycle and bus were got taken and, thereafter, police party reached at C.M.C. Hospital and form 25-35/1 was prepared. On 25.07.1997 Bhupinder Singh accused was arrested. On 13.08.1997 duplicate RC, permit, Insurance etc. of the vehicle was taken in possession. Thereafter, mechanic report was obtained. On completion of other necessary

formalities, the *challan* was presented against the accused in the trial court.

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

4. In order to prove its case, the prosecution examined PW1 C-II Teja Singh, Mechanic, PW2 Raj Kumar, photographer, PW3 Vijay Kumar complainant, PW4 Devinder Kumar spot witness, PW5 ASI Sagram Vir, PW6 ASI Som Nath I.O., PW7 Mohinder Singh Clerk State Transport Delhi and PW8 Dr. B.S. Randhawa. Thereafter, evidence of the prosecution was closed by order.

5. After closure of the evidence, the statements 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. No evidence was led in defence.

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 to 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 had examined PW1 Constable Teja Singh, who had mechanically checked the bus and prepared a mechanical report Ex. PA. PW2 Raj Kumar, photographer, had taken photographs of the accident at the spot Ex. P1 to Ex. P5 and the negatives were exhibited as Ex. P6 to Ex. P10. The prosecution further examined PW3 Vijay Kumar, complainant, who had reiterated the averments made in the FIR and his statement was further corroborated by PW4 Devinder Kumar. Further, PW5 ASI Sagam Vir had proved the investigation in the present case. PW8 Dr. B.S. Randhawa conducted the post-mortem on the dead body of Charanjit Singh and, as per the history, the deceased had died in a roadside accident. The deceased had died due to cardio respiratory arrest as a result of injuries to vital organs which were sufficient to cause death in ordinary course and all the injuries were ante-mortem in nature. He proved the copy of the medico legal report Ex. PW8/A. PW6 ASI Som Nath was the IO of the present case and proved the investigation from the statements of all the aforesaid witnesses. It was apparent that the petitioner had driven the offending bus at a very high speed in a rash and negligent manner and it had hit Charanjit Singh, deceased, who had succumbed to the injuries suffered in the said accident. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court 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, reverting to the order on quantum of sentence, this Court has no hesitation to hold that the petitioner is facing the

prosecution in the present case since 24.07.1997, i.e., over the last more than 28 years. Even, he is aged about 65 years. As per the custody certificate supplied by the learned State counsel, the petitioner had undergone about two months and nine days of actual custody out of total sentence of one year. Even, he is a first-time offender. The sentence imposed on the petitioner was suspended by this Court on 20.09.2010, and in the last more than 15 years, he had maintained a good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner 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 Charanjit Singh, since deceased, in the present case, after proper verification and against receipt.

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

29.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No