



CRR-1054-2011

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

223

CRR-1054-2011 (O & M)
Date of decision: 07.04.2026

JASBIR SINGH & ANR.

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. H.S.Sullar, Advocate,
for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 26.04.2011 passed by learned Addl. Sessions Judge, Fatehgarh Sahib, affirming the judgment/order of conviction by trial Court on 15.07.2009, whereby the petitioners were convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
279 IPC	RI for 6 months each	-	-
304-A IPC	RI for 2 years each	Rs.5000/- each	RI for 6 months.

2. Summarily, FIR No.11 dated 23.01.2001, was registered under Sections 279 and 304-A IPC, on the statement of Nasib Singh, that on 18.01.2001, he alongwith his wife was waiting for bus at Bus Stand of village Sidhupur. At 9.30 a.m., a mini bus of Bhangu Bus Service

CRR-1054-2011

Company bearing No.PAB-9018 came at the bus stand, driven by Babli. The conductor of the bus namely Mohan Singh raised a call inviting the passengers to board the bus, whereupon complainant and his wife Gurmail Kaur set to board the bus. He managed to board it from the rear door, while she was about to board it from the front door. She had caught hold of its door with one hand and was yet to board, however, its conductor blew the whistle signaling the driver to start the same without bothering to notice that she had not yet boarded. Since the driver set the bus into motion, she hung on the door. However, she was unable to hold the door and fell down from the bus. The left rear tyre of the bus ran over her, who was rushed to the hospital, where she succumbed to the injuries.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the petitioners. On finding a *prima facie* case, charges under Sections 279 and 304-A IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 8 witnesses. Thereafter, the statements of the accused under Section 313 Cr.P.C. were recorded. The incriminating evidence was put to them, which they denied, pleading innocence and alleging false implication.

5. The trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioners, and the appeal preferred by them has also been dismissed by the Appellate Court, as noticed above.

6. Aggrieved petitioner is before this Court.

CRR-1054-2011

7. Learned counsel for the petitioners, at the very outset, gives up challenge to the conviction and prays for reducing the sentence awarded to them to the period already undergone, it being 2 months and 22 days, on account of they being 58/62 year-old, first time offenders, sole breadwinners of their families; not involved in any other case; never misused the concession of bail and have been facing the agony of protracted trial since 2001.

8. Learned State counsel opposes on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioners, therefore, prays for the dismissal of the present petition. He, however, affirms their non-involvement in any other criminal case and the period undergone by them.

9. Heard.

10. The deposition of complainant-PW 2 Nasib Singh, along with the testimony of PW-8, the Investigating Officer, clearly establishes that the accident occurred due to the rash and negligence act of the petitioners. Further, as per the statement of PW 7 Dr. S.P.Mandal, the cause of death was a combined effect of shock and edema of brain as a result of head and chest injuries. The findings returned by the Courts below are based on a proper appreciation of evidence and call for no interference. Consequently, the conviction of the petitioners is upheld.

11. Regarding the prayer of the learned counsel for the petitioners that in view of the afore-stated mitigating circumstances, the sentence of the petitioners may be reduced to the period already undergone, it is

CRR-1054-2011

apposite to make a reference to the judgment of **K. Jagadish vs. State of Karnataka**, 2018 SCC OnLine SC 2489, where the appellant was convicted under Sections 279, 337 and 304 A IPC and Section 146 read with 196 of the Motor Vehicle Act, Hon'ble the Supreme Court reduced his sentence to the period already undergone.

12. This Court in **Nafe Singh vs. State of Haryana**, CRR-239-2023 decided on 11.05.2023, reduced the sentence of 2 years awarded to the petitioner therein convicted under Sections 279, 337 and 304-A, to 5 months and 16 days, it being the period already undergone by him, as he had faced the agony of trial for almost 8 years and was a first time offender. Similarly in **Pardeep vs. State of Haryana**, CRR-1262-2017 decided on 21.07.2023, the sentence of the accused convicted under Sections 279 and 304-A IPC, was reduced to 2 months and 29 days, it being the period already undergone by him, as he had faced the agony of trial for almost 4 years.

13. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilized society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a

CRR-1054-2011

bright future. [**Maru Ram v. Union of India**, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]”.

14. It is a settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. The object of the criminal justice system is to reform the offenders and to make them see and follow the right path. However, the ancient penological approach was of custodial measure to curb crime. A balanced approach keeping in view the interests of the victim and accused and their families, release on admonition, probation, etc. is the way forward.

16. Keeping in view the mitigating circumstances as brought out above, it would serve the ends of justice to reduce the sentence of the petitioners to the period already undergone, however, keeping the fine intact.

17. Accordingly, while upholding the conviction of the petitioners, their sentence is ordered to be reduced to the period already undergone by them, however, keeping the fine intact.

18. With the above modification in the order of sentence dated 15.07.2009 passed by learned Chief Judicial Magistrate, Fatehgarh Sahib, as noted above, the revision petition is partly allowed.

07.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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