



CRR-1295-2011 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR-1295-2011 (O&M)
Date of decision: 07.04.2026

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Paramvir Singh Doon, Advocate (*Amicus Curiae*)
for the petitioner.

Mr. Rohit Hans, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 28.04.2011 passed by the learned Additional Sessions Judge, Faridkot whereby the judgment of conviction and order of quantum of sentence dated 10.04.2009 passed by learned Chief Judicial Magistrate, Faridkot has been upheld, in case FIR No.113 dated 11.07.2004, under Sections 304-A/279/427 IPC, registered at Police Station Sadar Faridkot and the petitioner had been convicted and sentenced to undergo imprisonment along with fine as under:-

Section	Sentenced to undergo	Fine	In default of payment of fine
279 IPC	RI 06 months	Rs.500/-	01 week
304A IPC	RI 02 years	Rs.2,000/-	01 month
427 IPC	RI 01 year	Rs.1,000/-	15 days
It was ordered that all the sentences shall run concurrently.			

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2. The brief facts of the case are that the complainant-Sohan Singh lodged a complaint on 11.07.2004 to the effect that his son Varinder Singh and his wife Paramjit Kaur, were travelling on a scooter and the petitioner, who was driving a canter in a rash and negligent manner, hit the scooter. As a result of the said accident, both Varinder Singh and Paramjit Kaur sustained grievous injuries and subsequently died.

3. Learned counsel (*Amicus Curiae*) for the petitioner submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua modification of the order of sentence to the period already undergone as the petitioner has been suffering the agony of trial since 11.07.2004. He has already undergone sentence of 08 months and 16 days out of the total sentence of 02 years. He also submits that without referring to the merits of the case, she prays for reduction of sentence while taking a lenient view on the ground that the petitioner is not involved in any other case and has not indulged in any such activity, even after his release on suspension of sentence by this Court vide order dated 06.01.2012.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate dated 07.04.2026 on the ground that the learned Courts below have passed well-reasoned judgments after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it.

5. I have heard learned counsel for the parties and have gone through the material placed on record.



6. The FIR in the present case pertains to the year 2004 and the petitioner has already faced the rigors of the trial for more than 21 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judges Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP***, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



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9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2004. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 21 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bangal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period as already undergone by him.

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11. Accordingly, the judgments passed by the learned Appellate Court as well as the learned CJM, Faridkot are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Sections 279, 304-A & 427 IPC has been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the petitioner is directed to pay a sum of Rs.20,000/- as compensation to the LR's of the deceased within a period of three months. In case of non-deposit of compensation awarded within the stipulated period, the trial court is directed to initiate the proceedings to recover the same from the petitioner in accordance with law.

12. With these modifications, the present revision petition is disposed of.

13. Pending application(s), if any, shall also stand disposed of.

(H.S. GREWAL)
JUDGE

April 07, 2026
Sonia

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