

2026.PHHC:043530



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

219

CRR 1296 of 2011

Date of Decision: 18.03.2026

Amandeep Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. A.S. Jattana, Advocate for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 19.05.2011 passed by the Court of Additional Sessions Judge, Patiala and the impugned judgment and order dated 09.06.2009 passed by the Sub Divisional Judicial Magistrate, Rajpura, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Sections 279/304-A IPC, and he was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-, alongwith default stipulation under Section 304-A IPC. He was further sentenced to pay a fine of Rs.500/-, alongwith default stipulation under Section 279 IPC.

2. The FIR in the present case was registered on the basis of statement made by Shukardeen son of Kashmir Khan, who was accompanying the cyclist Balwinder Singh at the relevant time. He disclosed to the police that he was indulged in the business of horse shoe

at Sanauri Adda, Patiala, whereas Balwinder Singh son of Balbir Singh of his village was working as Auto Electrician at Hira Bagh, Patiala. On the fateful day i.e. on 26.2.2002, both of them were returning to their village after a day long work. They were cycling back to their village on their respective cycles. Balwinder Singh was ahead, whereas he (Shukardeen) was following him. When they reached near the fields of Ajaib Singh and it was about 8.30 p.m., a motorcycle bearing registration No. PB-11S-1785 came from the behind. It was being driven by Amandeep Singh son of Ram Singh, petitioner resident of village Sarala Khurd. Two persons were pillion riding on that motorcycle. The motorcycle came at such a speed and in such a rash and negligent manner and without blowing any horn, struck against the cycle of Balwinder Singh. As a result of the collision, Balwinder Singh fell down on the ground and received grievous injuries and became unconscious. The motorcycle pillion riders also fell down on the road. Petitioner also received the injuries. The injured were escorted to the Rajindera Hospital, Patiala. Unfortunately, Balwinder Singh died on the way, whereas petitioner was admitted in the hospital. The matter was investigated. The postmortem on the dead body of the deceased was conducted. Rough site plan was prepared. The Investigating Officer recorded the statements of the prosecution witnesses. The accused was arrested, while admitted in the Rajindra Hospital, Patiala. The motorcycle and the cycle were taken into police custody. According to the complainant, the accident had occurred on account of rash and negligent driving of the motor cycle by its driver Amandeep Singh. After

completion of investigation and other formalities, *challan* against the accused was presented before the learned Illaqa Magistrate, to face trial.

3. After the presentation of *challan*, the trial Court found that a *prima-facie* case under Sections 279 and 304-A of IPC is made out against the present petitioner, and he was chargesheeted accordingly. He pleaded not guilty and claimed trial.

4. In order to prove the case, the prosecution examined PW1 Shukardeen, the complainant of the case, PW2 HC Piara Singh, PW3 Balbir Singh, PW4 ASI Jagdish Singh, the Investigating Officer of the case, PW5 HC Gursharan Singh, PW6 HC Gurdarshan Singh, photographer, PW7 Binder Singh Mechanic and PW8 Dr. D.S. Bhullar and, thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the accused was recorded under Section 313 Cr.P.C, and all the incriminating evidence was put to him. He pleaded innocence and claimed trial. No evidence was led in defence.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner and relied upon the case laws in the matters of *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. A. No. 2827 of 2025, decided on 23.05.2025); *Md. Rafik @ Rafik Ansari v. State of Jharkhand*, (Crl. A. No. 3009 of 2025,

decided on 15.07.2025) and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467.*

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

8. During the course of trial, the prosecution examined Shukardeen, complainant as PW1, who supported the case of the prosecution and reiterated his version as mentioned in the complaint Ex. PA. His testimony was supported by PW3 Balbir Singh, an eyewitness to the occurrence. PW2 HC Piara Singh had conducted mechanical test report of the motorcycle and proved his report as Ex. PW2/A. Further, PW7, Binder Kumar, conducted the mechanical test report of the cycle involved in the accident and also proved his report Ex. PW7/A. The prosecution further examined PW6 Gurwinder Singh, Photographer, who proved the photographs Ex. P1 to Ex. P3 and the negatives of the same as Ex. P4 to P6. PW8 Dr. D.S. Bhullar had conducted the post-mortem examination on the dead body of Balwinder Singh and proved the post-mortem report as Ex. PW8/A. The cause of death in the present case was due to head injury. All the injuries were ante-mortem in nature and were sufficient to cause death in ordinary course of nature. ASI Jagdish Singh, who was examined as PW4, who had conducted the investigation in the present case and proved all the material documents i.e. statement of complainant vide Ex. PA, investigating report Ex. PA/M, FIR Ex. PA/2, endorsement over FIR Ex. PA/S, inquest report Ex. PB, application for conducting post mortem vide Ex. PC, statement of

Gurbachan Singh vide Ex. PD, statement of Jagir Singh vide Ex. PE, receipt of dead body Ex. PF, site plan Ex. PG, recovery memo Ex. PW4/A, memo of RC and DL and motorcycle Ex. PH, personal search memo of accused vide Ex. PI, arrest memo Ex. PJ, DL Ex. PK, RC of motorcycle vide Ex. PL and memo regarding taking of photographs and negatives vide Ex. PM.

9. From the above referred prosecution evidence, it is apparent that the petitioner was driving the motorcycle, i.e., the offending vehicle, and the motorcycle was being driven at a very high speed and in a rash and negligent manner and without blowing any horn. The motorcycle driven by the petitioner struck against the cycle of Balwinder Singh, who fell down on the ground and received serious injuries on his body and became unconscious. Even, the petitioner had also received injuries and his involvement was proved in the crime. Even, all the prosecution witnesses were cross-examined at length and their testimonies could not be discredited in any manner. Even otherwise, I have carefully perused the judgments of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

10. Now adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing prosecution since 27.02.2002, i.e., for the last more than 24 years. Even the petitioner was a student at the time of the accident. As per the custody certificate, he is the first offender. Moreover, the sentence imposed on the petitioner was suspended by this Court on 31.06.2011 and he has maintained good conduct in the last about 15 years.

Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs.2 lakhs, which shall be deposited by the petitioner in the trial Court and shall be paid to the legal representatives of the deceased in the present case, against receipt and proper identification. The amount of Rs.50,000/- deposited by the petitioner in pursuance of the order dated 31.05.2011 passed by this Court shall be adjusted in the amount of fine.

11. With the above modifications, the revision is partly allowed and impugned judgement dated 19.05.2011 passed by the Court of Additional Sessions Judge, Patiala and the impugned judgment and order dated 09.06.2009 passed by the Sub Divisional Judicial Magistrate, Rajpura, are upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. In case, the fine amount is not deposited within a period of six weeks from today, the present petition shall be deemed to be dismissed.

12. All pending applications, if any, are disposed off, accordingly.

13. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

18.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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