



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

CRR-1354-2011 (O&M)
Date of Decision: 27.04.2026

Harbhajan Singh

...Petitioners

vs.

State of Punjab

...Respondent

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

Present : Mr. Nayandeep Rana, Advocate (Amicus Curiae),
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 judgment dated 07.05.2011 passed by the Court of Additional Sessions Judge, Gurdaspur, whereby, the judgment of conviction and order of sentence dated 30.07.2008, passed by the Court of Additional Chief Judicial Magistrate, Gurdaspur was modified and the petitioner was ordered to be convicted for the commission of the offence punishable under Section 304-A of the IPC and he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- and alongwith default stipulation.

2. The brief facts of the prosecution case are that the case was registered against the accused on the statement dated 14.1.2002 made by the complainant namely Kuldeep Singh son of Swinder Singh, caste Ramgarhia, resident of village Khujala, Police Station Ghuman, wherein he narrated the police that on 14.01.2002, he along with Hardev Singh son of Narinjan Singh



on a scooter No.PB-18D-3220 was going from village Khunda to village Dorangla. On a separate motorcycle Sajuki No.PB-18G-296 his brother Gurmej Singh and uncle Baldev Singh were going on the same route. When they reached 100 yards ahead from old Bus Stand, Dhariwal, time was about 2.00 p.m. noon, the said motorcycle was ahead of the complainant's scooter and it tried to over take tractor and trolley. In the meantime a truck No. PB02L-9956 came with fast speed driven in rash and negligent manner. The front tyre of the truck struck with the motorcycle of Gurmej Singh and both Gurmej Singh and Baldev Singh with motorcycle fell on the road. Then Gurmej Singh was rammed over by the rear tyre of the truck and died at the spot. Baldev Singh also received injuries. The truck driver ran away with the truck. He was subsequently traced as Harbhajan Singh son of Gurdial Singh of village Khem Karan. The injured was admitted in Dhillon Hospital, Dhariwal by arranging a vehicle. This truck came without any horn with rash and negligent driving and the truck driver caused the said accident. He prayed for action against the truck driver. After registration of the case, investigation was conducted and on completion of investigation, the challan against the accused was presented in the Court.

3. After presentation of challan, the trial Court found that a *prima facie* case under Sections 279, 337, 304-A of IPC was made out against the petitioner to which he pleaded not guilty and claimed trial.

4. In order to prove the charge against the petitioner, the prosecution examined PW.1 Kuidip Singh, complainant, PW.2 Hardip Singh eye witness, PW.3 Brij Mohan Kapoor, PW.4 Baldev Singh, PW.5 Amrik Singh, PW.6 Dr.



G.S Dhillon, PW.7 Dr. Jagjiwan Lal, PW. 8 Harbhajan Singh, PW.9 Balkar Singh, (the cross-examination of PW.4 is wrongly numbered as PW.10), PW.11 Dr. Jagdev Singh, PW.12 Krishan Gopal Mechanic, PW.13 ASI Gurmej Singh, PW.14 Sampuran Singh, PW.15 ASI Kirpal Singh, PW.16 Mangat Ram and thereafter, the evidence was closed.

5. After closure of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he stated that he was falsely involved in the present case and was innocent. The petitioner chose not to lead any defence evidence.

6. In the present case, the prosecution case was proved by PW-1 Kuldeep Singh, who had reiterated his version, as mentioned in the initial statement (Ex.PA). His statement was duly corroborated by PW-2 Hardev Singh, who was sitting on the back seat of the scooter. Similarly, PW-4 Baldev Singh, who was on the back seat of the motorcycle driven by Gurmej Singh had corroborated the testimony of PW-1 Kuldeep Singh. Similarly, PW6, Dr. G.S. Dhillon, proved the certificate (Ex.PW6/A) and the treatment given to Baldev Singh, injured. PW-8 Dr. Jagdev Singh has proved the fact regarding examination of Baldev Singh and explained the injuries and proved the MLR issued by him. PW-7 Dr. Jagjiwan Lal proved the postmortem report (Ex.PW7/A) regarding the PMR conducted on the dead body of Gurmej Singh. PW-9 Balkar Singh moved an application for getting the postmortem examination of the dead body of Gurmej Singh. Similarly, PW-2, Krishan Gopal, Mechanic, who had tested the truck and motorcycle mechanically,



proved his reports (Ex.PW12/A and Ex.PW12/B). From the aforesaid evidence led by the prosecution, it was established that the petitioner had committed the offence under Section 304-A IPC. Even otherwise, I have carefully perused the judgments of conviction passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

7. Now, adverting to the order on quantum of sentence, this Court is conscious of the fact that the petitioner is facing agony of trial/appeal/revision since 14.01.2002 i.e. for the last more than 24 years. Even the petitioner has undergone more than 02 months and 13 days of actual custody, out of total sentence of one year. Even the sentence imposed on the petitioner was suspended by this Court on 17.02.2011 and he is the first offender. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

8. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

9. This Court records its appreciation for Mr. Nayandeep Rana, Amicus Curiae, who has rendered able assistance to the Court on behalf of the petitioner. His fee is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee, as per rules and practices.

10. All pending applications, if any, are also disposed off, accordingly.



11. Case property, if any, may be dealt with as per rules.
12. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

27.04.2026
hemlata

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