



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1426-2011
Date of Decision:10.04.2026

Jaswinder Singh ...Petitioner
Vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Mandeep Kaushik, Advocate with
Ms. Anju Sharma Kaushik, Advocate
for the petitioner.

Mr. Charanpreet Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 03.06.2011, passed by the Court of Additional Sessions Judge, Faridkot, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 06.04.2010, passed by the Court of Judicial Magistrate Ist Class, Faridkot, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279 and 304-A of IPC and was sentenced as under:-

Under Section 279 of IPC	R.I for a period of three months and to pay a fine of Rs.500/-. In default of payment of fine, he shall undergo further R.I for 07 days.
Under Section 304-A of IPC	R.I for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, he shall undergo further R.I for 07 days.

2. The brief facts of the prosecution case are that on 17.10.2004, on receipt of intimation regarding the admission of injured Garja Singh in G.G.S,



Medical College, Faridkot, due to accident, ASI Des Raj of Police Station Sadar Kotakpura, visited G.G.S Medical College, Faridkot on 17.10.2004 and 18.10.2004 and obtained opinion of the doctor regarding his fitness but the doctor declared him unfit to make the statement. On 23.10.2004, H.C Gurpreet Singh along with other police officials was present in Bus Adda Panj Grain Kalan, where Kuldip Singh son of Garja Singh got recorded statement alleging that on 16.10.2004, he and his brother Nirmal Singh had gone to grain market, situated on Lande Road, to do the labour work. In the evening, his father Garja Singh had come to meet them. At about 5.00 PM, when he was about to approach the road to return to his village, a Bajaj Boxer motor cycle being driven by Jaswinder Singh @ Bhola son of Gurmail Singh of his village very rashly and negligently came and on the rear seat of the motor cycle, his relative, resident of Beguwala was sitting. Motor cycle was of his (accused) relative. Within their sight, Jaswinder Singh without blowing horn, struck the motor cycle against his father very rashly, due to which his father fell on the road and his father suffered injuries on the head and ear, They took their father to Preet Hospital, Kotkapura for treatment and after giving first aid to their father, they brought him to their house. On the next day, as the condition of his father became more serious, his brother-in-law Boota Singh got him admitted in G.G.S Medical Hospital, Faridkot, where, he was being medically treated. Talk for compromise was going on but the same could not be effected. Condition of his father was very serious and he had gone in his relations for making arrangement of money. Statements of the witnesses were recorded. After completion of investigation, challan against the accused was presented in the Court.



3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279 and 304-A of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 05 witnesses. PW-1 Kuldeep Singh, complainant, PW-2 H.C Gurpreet Singh, PW-3 H.C Rajender Kumar, PW-4 Nirmal Singh and PW-5 Dr. Kuldeep Kumar and closed the prosecution evidence.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. In order to prove the case of the prosecution, the complainant appeared in the present as PW-1 and supported the case of the prosecution. His statement was duly corroborated by the testimony of PW-4 Nirmal Singh, who clearly stated that the offending vehicle was driven rashly and negligently by the present petitioner. Even, his father taken to Preet Hospital, where, his



condition further deteriorated and he got him admitted in G.G.S Medical College, Faridkot, where, he expired on 24.10.2004.

PW-2 H.C Gurpreet Singh recorded the statement of PW-1 Kuldip Singh vide Ex. PA and made statement. Ex. PA/1 on the basis of which FIR Ex.CA was recorded. He also stated that site plan Ex.CG was prepared. He also stated that on 24.10.2004 Garja Singh died and on 25.10.2004, he got the postmortem done vide documents Ex.CB, Ex.CC and Ex.CD. Accused was arrested and memo Ex.CE was prepared. Motorcycle was taken into possession vide memo Ex.CF. Driving licence of the accused was also taken into possession. He prepared inquest report and after completion of investigation challan was presented. PW-3 HC Rajinder Kumar conducted mechanical test of motorcycle No. PB04-J-2164 and submitted report Ex. PG.

8. PW5 Dr. Kuldip Kumar, conducted the postmortem on the dead body of deceased Garja Singh and observed as under:-

“There were five injuries present on the body. On dissection of skull, about 280 was present in the front parietal area of skull and subarachnoid haemorrhage was present.”

He further stated that all the injuries were ante mortem in nature and cause of death in this case in his opinion was compression of the brain as a result of subarachnoid haemorrhage, due to injury no.1, which was sufficient to cause death in the ordinary course of nature. He proved carbon copy of postmortem report Ex.PW5/A and pictorial diagrams Ex.PW-5/B.

9. From the statements of PW-1 Kuldip Singh and PW-4 Nirmal Singh, it is clear that the offending vehicle was being driven by the petitioner in a rashly and negligently manner and the petitioner was rightly convicted for



commission of the offence punishable under Sections 279 and 304-A of IPC. Consequently, the Trial Court as well as the Appellate Court had rightly convicted the petitioner for commission of the offences punishable under Sections 279 and 304-A of IPC and the impugned judgments of conviction are ordered to be upheld. Even otherwise, learned counsel for the petitioner could not point any irregularity and illegality in the impugned judgments passed by both the Courts.

10. Now, advertent to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 23.10.2004 i.e. for the last 21 years and is the sole bread earner of the family, Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 14.02.2012 and has never misused the concession of bail. Moreover, he has already undergone more than 08 months of actual custody out of total sentence of one year. Consequently, the order of sentence is modified to the extent that the sentence imposed on petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him is enhanced to Rs.50,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of four weeks from the date of receipt of certified copy of this order.

11. The concerned Chief Judicial Magistrate shall disburse the said amount to the LRs of the deceased in the present case, after proper receipt and identification.

12. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone



by him and the amount of fine imposed on him is enhanced to Rs.50,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of four weeks from the date of receipt of certified copy of this order.

13. In case, the enhanced amount of fine Rs.50,000/- is not deposited by him as ordered, the present revision petition shall be deemed to be dismissed.

10.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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