



wireless questy No. R2/198 received in the police station that Harpreet Kaur wife of Late Jagjinder Singh R/o Kot Sukhia has died, who was admitted in DMC Ludhiana. On receipt of questy from Division No. 8, Investigating Officer ASI Hardip Singh alongwith other police officials recorded the statement of complainant Gurcharan Singh, who met the police party near to the gate of P.S.Sadar, Faridkot. Complainant stated that he is resident of Village Doad and working as an agriculturist. On 18.12.2005, the complainant went to his brother-in-law Ravinderpal Singh, who was residing in Guru Nanak Colony, Faridkot. Complainant alongwith his brother-in-law Ravinderpal Singh went to the sister of Ravinderpal Singh at Village Kot Sukhia, on scooter No. PB-04-B-3603, who was working as a teacher in Kot Sukhia School. At about 2.15 P.M., complainant alongwith Ravinderpal Singh on Scooter No. PB-04-B-3603 was coming back, whereas Harpreet Kaur wife of late Jagjinder Singh were coming on TVS Scooty No. PB-04-J-4975 alongwith his son Gurbinderpal Singh. Gurbinderpal Singh was sitting on the back of Harpreet Kaur who was driving Scooty and all they were coming to Faridkot, as it was Sunday. Complainant was 10-15 *karams* behind them on their scooter and when they reached near to the bus stand of Chameli, then one canter came with very high speed driven in a rash and negligent manner struck with the scooty from the front side. Harpreet Kaur struck with *Pucca thara*, whereas Gurbinderpal Singh fallen about 8-9 *karams* away, who has also suffered injuries on the head and ankle. Scooty also suffered much damage and canter was of brown colour bearing No. PB-03-N-0436. Canter driver came down but on seeing the rush he ran away alongwith the canter from the spot. Complainant party got admitted Harpreet Kaur and Gurbinderpal Singh in GGS Medical Hospital, Faridkot. Harpreet Kaur and



Gurbinderpal Singh were referred to Ludhiana due to serious injuries, whereas Harpreet Kaur died on that very day and Gurbinderpal Singh was admitted in DMC, Hospital, Ludhiana, for treatment. After recording his statement, he signed in token of correctness. On the basis of statement case was got registered and investigation was pressed into service. ASI Hardip Singh went to DMC Ludhiana and got conducted the postmortem of Harpreet Kaur and also obtained opinion from the concerned doctor. Rough site plan was also got prepared and inquest report was prepared. The dead body was handed over to the heirs of deceased after postmortem and on return he has also taken into possession scooty No. PB-04J-4975 through recovery memo attested by witnesses and also obtained mechanical report. Accused Vinod Kumar son of Udit Narayan R/o Bathinda was apprehended alongwith Canter bearing No.PB-03N-0436. The Canter alongwith RC and DL were also taken into possession through recovery Memo attested by witnesses. Accused was arrested and released on bail. Photographs alongwith other documents were taken into possession through recovery memo attested by witnesses. Statements of witnesses were also recorded. On completion of investigation, challan was produced in the Court, for trial.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279,337 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 10 witnesses. Gurcharan Singh as PW-1, Ravinder Pal Singh as PW-



2, HC Gurmel Singh as PW-3, HC Karam Singh as PW-4, HC Rajinder Singh as PW-5, Gulwant Kumar, Supervisor as PW-6, Amar Singh as PW-7, Dr.Kuldeep Kumar as PW-8, Dr.S.K.Sharma as PW-9, SI Hardip Singh as PW -10 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. To prove the case of the prosecution, Gurcharan Singh, complainant appeared as PW-1 and his statement was duly corroborated by the testimony of PW-2 Ravinder Pal Singh. Still further, both the witnesses had witnessed the occurrence and had identified the petitioner in the present case. Still further, the prosecution examined PW-3, H.C Gurmel Singh, who proved the recovery memo of scooty regarding taking the possession. HC Karam Singh was examined as PW-4, who proved the photographs Ex.P-1 to Ex.P-6 along with negatives Ex.P-7 to Ex.P-10. The prosecution further examined Gulwant Kumar, Supervisor as PW-6, who proved the X-Ray films along with reports. PW-7 Amar Singh, Record Keeper, G.G.S Medical College, Faridkot, proved



the bed head ticket of Gurbinderpal Singh, injured as Ex.PW-7/A. PW-8 Dr. Kuldeep Kumar proved the report of Gurbinderpal Singh, injured as Ex.PW-8/A, which proved the factum of fracture on the left leg. Even, PW-7 Amar Singh, Record Keeper and PW-8 Dr. Kuldeep Kumar were cross-examined at length, however, no dent could be created in the story of prosecution. PW-9 Dr.S.K Sharma proved the post mortem report of Harpreet Kaur, deceased as Ex.PW-9/A and pictorial diagram Ex.PW-9/B. PW-10, S.I Hardip Singh proved the entire investigation in the present case and proved the statement of Gurcharan Singh, complainant as Ex.PA, FIR Ex.P10/A, recovery memo Ex.P10/B, application for post mortem Ex.P10/C, inquest report Ex.P10/D, rough site plan Ex.P10/E, recovery Memo of canter No.PB-03N-0436 Ex.P10/F and recovery memo in regard to RC and driving licence of accused Vinod Kumar as Ex.P10/G, arrest memo Ex.P10/H, recovery memo of scooty No.PB-04J-4975 Ex.P10/J, photographs through recovery Memo Ex.P10/L.

8. From the above referred prosecution evidence, the offence under Sections 279,337 and 304-A of IPC stood proved against the petitioner. Consequently, the Trial Court as well as the Appellate Court had rightly convicted the petitioner for commission of the offences punishable under Sections 279,337 and 304-A of IPC and the impugned judgments of conviction are ordered to be upheld.

9. Now, adverting to the order of quantum 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 24.12.2005 i.e. for the last more than 20 years. Moreover, at present, he is aged about 55 years and is the sole bread earner of the family. Moreover, he is a first offender and was never involved in any other



criminal activity. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 11.08.2011 and has never misused the concession of bail. Moreover, he has already undergone more than 01 month and 16 days of custody out of total sentence of one year. Consequently, 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 two months from the date of receipt of certified copy of this order. The concerned Chief Judicial Magistrate shall disburse the said amount to the legal representatives of the deceased in the present case, after proper receipt and identification.

10. 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, 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 two months from the date of receipt of certified copy of this order.

11. 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.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

05.05.2026
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(N.S.SHEKHAWAT)
JUDGE

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