

2026.PHHC.071850



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRR 2475 of 2011

Date of Decision: 06.05.2026

Paramjit Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. G.S.Sidhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr.DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 03.08.2011 passed by the Court of Additional Sessions Judge, Adhoc (FTC) Ropar and the judgement of conviction and order of sentence dated 08.09.2008 passed by the Court of Sub Divisional Judicial Magistrate, Anandpur Sahib, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279, 304-A and 337 of IPC and was sentenced as under:-

U/s 279 IPC – To undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.500/-. In default of payment of fine, to further undergo simple imprisonment for one month.

U/s 337 IPC – To undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.200/-. In default of payment of fine, to further undergo simple imprisonment for 15 days.

U/S 304-A IPC – To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5000/-. In default of payment of fine, to further undergo simple imprisonment for six months.

2. Prosecution story in brief is that on 20.09.2002 ASI Nasib Chand alongwith co-officials while on patrol duty was present at Bus Stand, Kiratpur Sahib, Jaswant Singh son of Rattan Singh resident of Bhaini, P.S. Nurpur Bedi, got recorded his statement with the ASI which read to the effect that on that day he and his younger brother Harbhajan Singh were going from their village Bhaini to Atari on their separate scooter. His brother was plying scooter bearing No. PB-16-9053 and his wife Satwinder Kaur was pillion rider. His brother and sister-in-law were going ahead of him on his scooter and he was following them on his scooter. It was about 10.30 a.m., when they reached in the Patalpuri Chowk in the area of Kiratpur Sahib, a Tata 407 bearing No. HP-24-7851 came from the side of Ropar, which was being driven by its driver in a very high speed and hit the scooter of his brother by going on the wrong side. His brother fell down on the road and his head struck against the road. His sister-in-law also fell at a distance. Blood started oozing out of the head of his brother. He, after stopping his own scooter, picked up his brother. Other people also gathered at the spot and with their help, he took his brother and sister-in-law to a private hospital. His brother was in serious condition and he succumbed to injuries on the way to hospital. The name of Canter driver was revealed as Paramjit Singh son of Rattan Singh resident of village Swan P.S. Kot Kehloor. The said accident took place due to rash and negligent driving

of the driver of canter bearing registration No. HP-24-24-7851. He got admitted his sister-in-law Satwinder Kaur at PLC Kiratpur Sahib and dead body of his brother was taken to dead house Anandpur Sahib. A formal FIR was registered. Police proceedings were initiated. Vehicles were taken into police possession. Petitioner/accused was arrested. On completion of necessary formalities of the investigation, accused was *challaned* Under Section 279.337.304-A IPC and the *challan* was presented in the Court.

3. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Sections 279, 337 and 304-A, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 Satwinde Kaur wife of late Harbhajan Singh Singh, PW2 Jaswant Singh, PW3 Dr. Manjit Singh, Medical Officer, PW4 Nirmal Singh, PW5 HC Satnam Singh, PW6 SI Nasib Chand, I.O. of this case, PW7 Joginder Pal, Photographer and PW8 Dr. Harsimran Singh, Asstt. Professor, Govt. Medical College, Patiala. The prosecution also tendered in evidence the following documents:-

Sr. No.	Description of Document	Exhibit
1.	Statement	Ex.PA
2.	Attestation on statement	Ex.PW6/A
3.	Police proceedings	Ex.PW6/B
4.	Recovery memo	Ex.PB
5.	FIR	Ex.PC
6.	Recovery memos	Ex.PC and Ex.PD
7.	Personal search memo	Ex.PE
8.	Recovery memo of RC of scooter	Ex.PE
9.	MLR	Ex.PW3/A

Sr. No.	Description of Document	Exhibit
10.	Pictorial diagram	Ex.PW3/B
11.	Report of doctor	Ex.PW3/C
12.	Reports of mechanic	Ex.PW5/A and Ex.PW5/B
13.	Site plan	Ex.PW6/D
14.	Inquest report	Ex.PW6/E
15.	Statement of Rattan Singh	Ex.PW6/H
16.	Receipt	Ex.PW6/J
17.	PMR report	Ex.PW8/A
18.	Recovery memo	Ex.PW6/C
19.	Application moved to Medical Officer	Ex.PW6/L
20.	Recovery memo	Ex.PW6/M

Thereafter, the evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case.
6. In defence evidence, the petitioner examined Gurcharan Singh as DW1.
7. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.
8. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

9. I have heard learned counsel for the parties and perused the record carefully.

10. In the present case, the prosecution case is based on the testimony of PW1 Satwinder Kaur, who had witnessed the occurrence. Her statement has been duly corroborated by PW2 Jaswant Singh, who had lodged the FIR in the present case. He had moved the complaint Ex. PA against the present petitioner. PW4 Nirmal Singh is another eyewitness of the present case. PW1 Satwinder Kaur, PW2 Jaswant Singh and PW4 Nirmal Singh clearly proved that the accident in question had taken place due to rash and negligent driving on the part of the present petitioner. Even, the investigation was conducted by ASI PW6 Nasib Chand, who proved the investigation in the present case. PW3 Dr. Manjit Singh proved the MLR Ex.PW3/A and the pictorial diagram Ex. PW3/B. PW5 HC Satnam Singh proved the mechanical reports of the scooter in question. Joginder Pal, Photographer, was examined as PW7. The postmortem of the deceased was proved by PW8 Dr. Harsimran Singh. Thus, the prosecution had led sufficient evidence to prove that the accident in question had taken place due to rash and negligent driving on the part of the petitioner while driving the offending truck. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

11. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the

prosecution since 20.02.2002, i.e., for the last more than 23 years. At present, the petitioner is aged about 46 years and is a first-time offender. Still further, as per the custody certificate, he has undergone 3 months and 20 days out of total sentence of 1 year. Even, his sentence was suspended by this Court on 18.11.2011 and in the last more than 14 years, he had maintained good conduct and has not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

12. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in *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. Appeal No.2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.1,00,000/-, which shall be deposited by the petitioner as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the

legal representatives of Harbhajan Singh, since deceased, in the present case, after proper verification and against receipt. In case the petitioner fails to deposit the amount of fine within a period of two months from today, the present petition shall stand dismissed automatically.

12. Pending applications, if any, stand also disposed of, accordingly.

06.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No