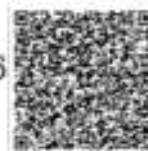


2026-PHHC:071906



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

214

**CRR 2804 of 2011**

Date of Decision: 06.05.2026

Balbir Raj

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Sarabjeet Khaira, 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 01.01.2011 passed by Additional Sessions Judge, (Adhoc), Fast Track Court, Amritsar and the judgement of conviction and order of sentence dated 07.01.2008 passed by the Court of Judicial Magistrate 1<sup>st</sup> Class, Amritsar, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 337 and 304-A IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- under Section 304-A IPC alongwith default stipulation. He was further sentenced to undergo rigorous imprisonment for a period of five months and to pay a fine of Rs.500/- under Section 337 IPC alongwith default stipulation.

2. Brief facts of the prosecution case are that on 13.08.2003, one Tejinder Singh got recorded his statement to the police that he is

working as Manager in Sarabhai Zydus Company. On 12.08.2003, he, along with one Gurinder Singh, in Maruti Car bearing No. PB-02-J-5177 was coming from Chandigarh to Amritsar and when they reached near Lucky Dhaba near Jalandhar, then his brother-in-law (*Jeeja*) Harkirat Singh, sister Davinder Kaur and their friend Parduman Singh and his wife Surinder Kaur met, who were coming from Haridwar. At about 10.00 p.m., they proceeds for Amritsar. The brother-in-law of Tejinder Singh in his Car No. PB-02-M-0201 was going ahead. At about 11.00 p.m., when they reached near G.T. Road, Khalchain, one truck came from Amritsar side at very high speed, driven by its driver in negligent manner and hit against Maruti car of the brother-in-law of Tejinder Singh, who died at the spot and Parduman Singh, Surinder Kaur and Davinder Kaur suffered serious injuries. The driver of the truck ran away from the spot by taking advantage of darkness. After recording this statement of Tejinder Singh, police machinery swung into action. Rough site plan was prepared. Statements of witnesses were recorded and later on accused was arrested and after completion of necessary investigation, *challan* against petitioner was presented in the court for trial of the accused in accordance with law.

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

4. In order to prove its case, prosecution examined PW1 Tejinder Singh, PW2 Parduman Singh, PW3 Surinder Kaur, PW4 Kavinder Kaur, PW5 Surinder Singh, PW6 Dr. Parmod Kaur Goyal,

PW7 Gurbachan Singh, PW8 Dalip Kumar, PW9 Sukhchain Singh and PW10 Surinderpal Singh. Thereafter, 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. No evidence was led in defence.

6. 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.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the prosecution examined PW1 Tejinder Singh, complainant, who corroborated the initial version made in Ex.PA. His statement was duly corroborated by PW2 Parduman Singh, PW3, Surinder Kaur and PW4 Kavinder Kaur. From the statements of these witnesses, the prosecution tried to prove that on 12.08.2003, the petitioner was driving the offending truck in a rash and negligent manner at a public place and had caused death of Harkirat Singh and

caused injuries to Parduman Singh. The statements of aforesaid witnesses were duly supported by PW5 Surinder Singh, who recorded the statement of Tejinder Singh (Ex.PA), on the basis of which, he made police proceedings Ex.P5/A and accordingly, FIR Ex.PW5/B was registered. He further deposed that he took into possession the truck vide memo Ex.PC and car vide memo Ex.PD. This witness further stated about recovery memo of clothes of dead body Ex.PW5/G, recovery memo of driving licence and R.C. of truck No. PB-06-2576 Ex.PW5/D, application for post mortem Ex.PW5/F, rough site plan Ex.PW5/C, applications to registration authorities Ex.PW5/N and Ex.PW5/O along with inquest report Ex.PW5/E as well as statement of Bhagat Singh and Mandip Singh Ex.P5/H and Ex.P5/J and recovery memo of photographs Ex.PW5/K. PW6 Dr. Parmod Goel proved the postmortem report of Harkirat Singh as Ex.PW6/1. PW7 Gurbachan Singh proved the mechanical test reports Ex.PW7/1 and Ex.PW7/2 of the car as well as of the truck. PW8 Dalip Kumar proved the RC Ex.PW8/A, which was in the name of Harbans Singh. PW9 Sukhchain Singh proved the photographs Ex.P1 to Ex.P8. PW10 Surinderpal Singh deposed that power of attorney of the truck was with him and he had employed the petitioner as truck driver. On 12.08.2003, he had seen him with the truck near Khalchian. The accident had taken place between the truck and the car. From the above referred evidence led by the prosecution, it was amply proved that the petitioner had caused the accident and due to the injuries suffered in the accident, Harkirat Singh, had died in the accident. Even otherwise, I have carefully gone through the judgments

passed by the learned trial Court and appellate Court find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgments of conviction are ordered to be upheld.

10. Now, advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 13.08.2003, i.e., for the last more than 22 years. At present, the petitioner is aged about 50 years and is a first-time offender and was never involved in any other criminal case. Still further, as per the custody certificate, he has undergone more than 04 months out of total sentence of 1 year. Even his sentence was suspended by this Court on 18.01.2012 and in the last more than 13 years, he had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. 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.75,000/-, 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 Harkirat 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        |