



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CRR-966-2026 (O&M)
Date of decision: 27.04.2026

Harmandeep Singh ...Petitioner(s)
VERSUS
State of Punjab and another ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ashish Soi, Advocate for the petitioner(s).
Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CRM-15907-2026

Application is allowed as prayed for.

Main case:

1. The instant criminal revision petition has been preferred against the judgment and order of sentence dated 19.07.2025 passed by the Judicial Magistrate 1st Class, Khamanon whereby the revisionist-petitioner had been convicted for commission of offences punishable under Sections 279, 338 and 304-A of the Indian Penal Code, 1860 in case bearing FIR No. 106 of 14.08.2022 registered under Sections 279, 337, 338, 304A and 427 of the Indian Penal Code, 1860 at Police Station Khamanon, District Fatehgarh Sahib. The revisionist-petitioner has been sentenced as under:-

Under Section	Sentence
279 I.P.C.	Rigorous imprisonment for 06 months.
338 I.P.C.	Rigorous imprisonment for 06 months.
304-A I.P.C.	Rigorous imprisonment for a period of 01 year.

All the sentences were ordered to run concurrently.

Further, challenge is also to the judgment dated 12.03.2026 passed by the Additional Sessions Judge, Fatehgarh Sahib whereby conviction was upheld.

2. Briefly stated, the facts of the present case are that on 13.08.2022, a telephonic message was received from the MHC of Police Station Khamanon regarding the admission of two injured persons, namely Ravinder Malra son of late Mohan Lal resident of Ward No. 11, Morinda and Neha Malra wife of Satnam Singh resident of Village Rattangarh, at CHC Khamanon, on account of a roadside accident. It was further informed that owing to the serious condition of the injured, Neha Malra had been referred to PGI, Chandigarh and Ravinder Malra to Max Hospital, Mohali, and a request was made for deputing an Investigating Officer for necessary action. On 14.08.2022, SI Kulwinder Singh, Incharge Police Post Sanghol, along with the police party, visited Max Hospital, Mohali and moved an application seeking the opinion of the doctor regarding the fitness of injured Ravinder Malra to make a statement; however, the doctor declared him unfit for the same. Thereafter, the Investigating Officer proceeded to PGI, Chandigarh and similarly sought the opinion of the doctor regarding the fitness of injured Neha Malra, who was also declared unfit to give a statement. Subsequently, Satnam Singh, husband of injured Neha Malra, met the Investigating Officer at the Emergency Gate of PGI, Chandigarh and got his statement recorded. He stated that he was employed in a private job at the LIC Office, Panchkula and that he and his wife had visited her parental

home at Morinda. On 13.08.2022, his wife had to appear for an examination at ITI Institute, Utala, Police Station Samrala. Accordingly, on the said date, his wife Neha Malra and his brother-in-law Ravinder Malra were proceeding towards Utala on a motorcycle bearing registration No. PB-12-S-7001 (Pulsar, black colour), while he was following them on another motorcycle bearing registration No. PB87-2328 (City 100). Ravinder Malra was driving the motorcycle and Neha Malra was riding pillion. It was stated that at about 1:30 P.M., when they reached near Raja Dhaba, the motorcycle ahead of him was struck by a white Alto car bearing registration No. PB-10-CQ-8438, which was being driven at a high speed, in a rash and negligent manner and on the wrong side of the road. The said vehicle collided head-on with the motorcycle, as a result of which both Ravinder Malra and Neha Malra sustained grievous injuries and fell unconscious. It was further stated that the driver of the said car briefly stopped but, upon seeing a gathering of people, fled from the spot along with the vehicle. With the assistance of passers-by, the complainant shifted the injured to Civil Hospital, Khamanon, from where they were referred to Chandigarh owing to their critical condition. It was alleged that the accident occurred due to the rash and negligent driving of the Alto car bearing registration No. PB-10-CQ-8438. On the basis of the statement of the complainant Satnam Singh, the present FIR was registered under Sections 279, 337, 338 and 304-A of the Indian Penal Code. Thereafter, the Investigating Officer conducted the investigation, prepared the site plan, took the offending and accidental vehicles into possession and recorded the statements of witnesses under Section 161 Cr.P.C.

3. After completion of the investigation, the final report under

Section 173 Cr.P.C. against the petitioner-accused under Sections 279, 337, 338 and 304-A IPC was filed and documents were supplied to the accused-petitioner free of cost.

4. Finding a prima facie case having been made out, the petitioner was charge-sheeted for the commission of offences punishable under Sections 279, 337, 338, 304-A of the Indian Penal Code, 1860 and the contents of the same were read over the and explained to the accused, to which he pleaded not guilty and claimed trial.

5. In order to substantiate its case, the prosecution examined eleven witnesses and closed the prosecution evidence:

PW-1	Jagdeep Singh.
PW-2	Satnam Singh.
PW-3	Ravinder Malra (Injured/Eye-witness)
PW-4	SI Kulwinder Singh (Investigating Officer)
PW-5	ASI Rajinder Kumar, Retd. (Mechanic)
PW-6	Dr. Karan Jindal, Retd. (Medical Officer, CHC, Khamanon)
PW-7	Dr. Aravind (Department of Forensic Medicine, PGI, Chandigarh)
PW-8	Aman Rai (Data Entry Operator, Registration and Licencing Authority East, Ludhiana)
PW-9	Shashi Kant (Recor Keeper, Max Hospital, Mohali)

PW-10	Dr. Gurjinder Singh (Consultant, Department of Radiology, Max Hospital Super Specialty Hospital, Mohali)
PW-11	Dr. Ambreen Jyoti Sidhu (Associate Consultant, Department of Radiology, Max Hospital Super Specialty Hospital, Mohali)
PW-12	Dr. Monika Chhabra (Max Hospital, Mohali)
PW-13	Dr. Anju Uttam (Max Hospital, Mohali)
PW-14	Dr. Suraj Pandey (Department of Neurosurgery, PGI, Chandigarh)

6. Learned APP vide his separate statement has closed the evidence on behalf of the prosecution.

7. The statement of the petitioner was recorded under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances and evidence appearing on record were put to him. The petitioner denied the allegations in their entirety, described the prosecution case and evidence as false and fabricated and asserted his innocence.

8. The petitioner examined Rupinder Singh son of Harbans Singh as DW-1 and addressed arguments.

9. After considering the arguments advanced, the testimonies of witnesses and the evidence placed on record, the Trial Court, vide judgment dated 19.07.2025, held the petitioner guilty of offences punishable under Sections 279, 304-A and 338 of the Indian Penal Code, 1860 and sentenced him as mentioned above.

10. Aggrieved by the aforesaid judgment of conviction, the

petitioner preferred Criminal Appeal No. 150 dated 25.07.2025 before the Court of the Additional Sessions Judge, Fatehgarh Sahib. Vide judgment dated 12.03.2026, the judgment of conviction and order of sentence was upheld by the Additional Sessions Judge, Fatehgarh Sahib. Hence, the present revision petition.

11. After advancing arguments at some length, learned counsel appearing on behalf of the petitioner submits that an amount of Rs.39,01,583/- has already been awarded as compensation by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib, in MACT Case No. 39 dated 07.09.2022, vide judgment dated 06.02.2024, in favour of the claimants, to be shared equally among them. It is further submitted that the petitioner has been in custody since 12.03.2026. Learned counsel states that he does not wish to press the present revision petition on merits and confines his challenge solely to the question of quantum of sentence imposed upon the petitioner. The following mitigating circumstances are pointed out by the counsel for the petitioner:

- a. The occurrence in question pertains to the year 2022 and a substantial period has elapsed since then, during which the petitioner has faced the rigours of investigation and trial.
- b. It is not disputed that the incident arose out of a motor vehicular accident and does not involve any premeditated or intentional act, thereby falling within the domain of negligence rather than culpable intent.
- c. The Motor Accident Claims Tribunal, Fatehgarh Sahib, has already awarded compensation to the tune of Rs.39,01,583/-

to the claimants vide judgment dated 06.02.2024 thereby substantially addressing the element of restitution to the victims.

d. The petitioner has already undergone actual custody since 12.03.2026.

e. The petitioner is presently about 29 years of age, being at a formative and productive stage of life and a lenient view in sentencing would advance the cause of reformation and enable him to reintegrate into society.

f. There is nothing on record to suggest that the petitioner has any prior criminal antecedents or that he is a habitual offender, indicating that the occurrence is an isolated incident.

g. The petitioner has not pressed the challenge to the conviction on merits and has confined his submissions only to the quantum of sentence, thereby demonstrating acceptance of the judicial outcome and willingness to reform.

h. The protracted nature of proceedings and the attendant mental and social consequences suffered by the petitioner constitute relevant mitigating factors in considering reduction of sentence.

i. The ends of justice would be adequately met by reducing the sentence to the period already undergone, particularly in view of the compensatory relief already granted to the victims and the absence of aggravating circumstances.

12. Per contra, learned State counsel submits that both the Courts below have rightly appreciated the evidence led on record and have concurrently recorded a finding of conviction against the petitioner. It is contended that such concurrent findings, based on proper evaluation of evidence, carry a presumption of correctness. Learned counsel further submits that the scope of revisional jurisdiction is limited and does not extend to re-appreciation of evidence or to permitting the petitioner to set up a new line of defence. Interference is warranted only where there is a manifest illegality, material irregularity or perversity in the findings recorded by the Courts below. It is contended that the petitioner has failed to point out any such infirmity in the impugned judgments. There is no allegation, much less any demonstration, of misreading of evidence or non-consideration of material facts. Thus, in the absence of any such jurisdictional error no case is made out for interference and consequently, there is no occasion to upset the findings of conviction or the sentence awarded and affirmed by the Courts below.

13. I have heard learned counsel for the parties and have gone through the impugned judgments.

14. This Court, in CRR-2697-2025 titled ***Lakshay Jain v. State of Punjab & Another***, vide order dated 14.11.2025, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself, establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes

between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

32. *The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work “Criminology,” observed that:*

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful

experience in an unjust world.”

33. *Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.*
34. *While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding*

circumstances to distinguish between a 'criminal' and an 'offender'.

35. *While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.*

15. Having heard learned counsel for the parties and on consideration of the facts and circumstances, I am of the opinion that while the conviction of the petitioner does not warrant interference in the exercise of revisional jurisdiction, the question of sentence merits reconsideration. The occurrence arises out of a case of rash and negligent driving, devoid of any element of premeditation. It is further noteworthy that adequate compensation to the tune of Rs.39,01,583/- has already been awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib, thereby substantially addressing the compensatory aspect. Additionally, the petitioner is a young

individual of about 29 years of age, with no material placed on record to suggest any criminal antecedents and has faced the ordeal of criminal proceedings for a considerable period.

16. In view of the aforesaid, I am of the opinion that adequate and compelling mitigating circumstances exist in the present case and the same call for interference with the quantum of sentence. The peculiar facts and circumstances, as noticed hereinabove, justify a modification of the sentence in the interest of justice.

17. Accordingly, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded to the petitioner under sections 279, 338 and 304-A of IPC, 1860, by the Judicial Magistrate 1st Class, Khamanon, Fatehgarh Sahib vide judgment dated 19.07.2025 and affirmed by the Additional Sessions Judge, Fatehgarh Sahib vide judgment dated 12.03.2026, is modified and reduced to the period already undergone by him. The petitioner, if confined in jail and is not required in any other case, shall be released forthwith, in accordance with law.

18. The petition is accordingly ***partly allowed***.

19. In view of this order, CRM-15908-2026 shall also stand disposed of.

20. Pending criminal misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

27.04.2026

Mangal Singh

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