

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-605-2011 (O&M)
Date of decision: 04.05.2026

Parveen Kumar

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. KDS Hooda, Advocate for the petitioner(s).
Mr. Paras Talwar, Sr. DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant criminal revision petition has been preferred against the judgment of conviction dated 19.08.2010 and order of sentence dated 20.08.2010 passed by Additional Chief Judicial Magistrate, Karnal whereby the revisionist-petitioner had been convicted for commission of offences punishable under Sections 279, 337 and 304-A of the Indian Penal Code, 1860 in case bearing FIR No. 381 dated 29.10.2003 registered under Sections 279, 337, 338, 304-A of the Indian Penal Code, 1860 at Police Station Gharaunda, District Karnal and sentenced as under:-

Under Section	Sentence	In default
279 I.P.C.	Rigorous imprisonment for 06 months and to pay a fine of Rs.500/-.	SI for a period of 01 month.
337 I.P.C.	Rigorous imprisonment for 06 months and to pay a fine of Rs.500/-.	SI for a period of 01 month.

304-A I.P.C.	Rigorous imprisonment for a period of 02 years.	SI for a period of 01 month.
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All the sentences were ordered to run concurrently.

2. Further, challenge is also to the judgment dated 12.02.2011 passed by the Additional Sessions Judge, Karnal, whereby conviction was upheld.

3. The facts of the present case, in brief, are that on 29.10.2003, while on patrolling duty at the Bus Stand, Gharaunda, ASI Shri Pal received information regarding an accident that had occurred on the G.T. Road, approximately 1 km ahead of Gharaunda towards Karnal, involving a Maruti car and a tractor-trolley. Acting upon the said information, the Investigating Officer reached the place of occurrence and found that the injured persons had already been shifted to General Hospital, Panipat. After deputing Head Constable Jai Bhagwan to remain at the spot, he proceeded to the hospital where, upon obtaining the opinion of the attending doctor regarding the fitness of the injured, he recorded the statement of Simranjit Kaur, wife of Charanjit Singh, resident of District Kaithal. The complainant stated that on the day of the occurrence, she, along with her husband, relatives and other family members, was returning from Israna Gurudwara to Kaithal in a Maruti car bearing registration No. HR-08C-8725, which was being driven by Nirmal Singh. At about 6:00 PM, when they had reached approximately 1 km ahead of Gharaunda towards Karnal, a tractor-trolley suddenly emerged from a road cut on the eastern side. Despite the driver of the car applying brakes, the tractor-trolley being driven in a rash and negligent manner, came directly in front of the car, resulting in a collision. It was further alleged that

due to the impact of the accident, all the occupants of the car sustained injuries. With the assistance of passers-by, the injured were removed from the vehicle and taken to nearby hospitals. Some of the injured, including the complainant and her family members, were shifted to General Hospital, Panipat, while others were taken to Government Hospital, Karnal. Unfortunately, the complainant’s husband, father, and sister succumbed to the injuries sustained in the accident. The driver of the tractor-trolley, which was not bearing any registration number, was later identified as Parveen Kumar, son of Baljit Singh, resident of Hassanpur. On the basis of the aforesaid statement, it was alleged that the accident had occurred due to the rash and negligent driving of the tractor-trolley by the said driver. Consequently, the FIR was registered, investigation was conducted, the site plan of the place of occurrence was prepared, statements of witnesses were recorded under Section 161 of the Code of Criminal Procedure and the accused was subsequently arrested.

4. After completion of the investigation, the final report under Section 173 Cr.P.C. was filed and documents were supplied to the accused-petitioner free of cost.

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

6. In order to substantiate its case, the prosecution examined the following witnesses:

PW-1	Jogi Ram
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PW-2	Surinder Singh
PW-3	Simranjit Kaur (complainant)
PW-4	EHC Ved Pal
PW-5	ASI Siri Pal
PW-6	Dr. Iqbal Singh
PW-7	Nirmaljit Singh

7. The evidence of the prosecution was thereafter, closed by order.

8. On conclusion of the prosecution evidence, the incriminating material appearing on record was put to the accused and his statement was recorded under Section 313 of the Code of Criminal Procedure. In his said statement, the petitioner denied the allegations in their entirety, characterised the prosecution case and the evidence led as false and fabricated and asserted his innocence. However, no evidence was adduced by the petitioner in defence.

9. After considering the arguments advanced, the testimonies of witnesses and the evidence placed on record, the Trial Court, vide judgment dated 18.08.2010/19.08.2010, held the petitioner guilty for commission of offences punishable under Sections 279, 304-A and 337 of the Indian Penal Code, 1860 and sentenced him as mentioned above.

10. Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioner preferred Criminal Appeal No. 60 of 2010 dated 14.09.2010 before the Court of the Additional Sessions Judge, Karnal. Vide

judgment dated 12.02.2011, the judgment of conviction and order of sentence was upheld by the Additional Sessions Judge, Karnal. Hence, the present revision petition.

11. At this stage, learned counsel appearing on behalf of the petitioner submits that he does not press the challenge to the judgment of conviction as recorded by the Courts and confines his submissions solely to the quantum of sentence. It is further argued that compensation has already been awarded in favour of the claimant(s). Learned counsel additionally submits that the sentence of the petitioner stands suspended in terms of the order dated 03.05.2011 passed by this Court. The following mitigating circumstances are pointed by the counsel for the petitioner:

- a. The occurrence in question pertains to the year 2003 and more than two decades have elapsed since then, during which the petitioner has undergone the rigours of investigation, trial and prolonged litigation, thereby suffering substantial mental and social hardship.
- b. The incident arose out of a motor vehicular accident and does not disclose any element of premeditation or deliberate intent, the act being attributable to negligence rather than any culpable or malicious design.
- c. Compensation has already been awarded in favour of the claimants, thereby addressing, to a considerable extent, the aspect of restitution and mitigating the consequences of the occurrence.
- d. At the time when the remaining sentence came to be

suspended vide order dated 03.05.2011, the petitioner had already undergone an actual custody of approximately 3 months.

- e. The considerable lapse of time, spanning more than 22 years, warrants a compassionate and reformatory approach in sentencing, particularly when the petitioner has had the opportunity to reflect upon the consequences of the incident and reintegrate into society.
- f. There is nothing on record to indicate that the petitioner has any prior criminal antecedents or that he is a habitual offender, thereby suggesting that the occurrence was an isolated aberration rather than indicative of any continuing criminal propensity.
- g. The protracted nature of the proceedings, coupled with the attendant stigma, anxiety and disruption to the petitioner's personal and social life, constitute significant mitigating circumstances warranting a lenient view.
- h. The petitioner has remained on bail during the pendency of proceedings and there is nothing to suggest misuse of the concession of bail or any attempt to evade the process of law.
- i. The petitioner is stated to have maintained a clean record during the intervening period and has been a law-abiding citizen, thereby reinforcing the plea that further incarceration would not serve any meaningful purpose.

12. Per contra, learned State counsel submits that both the Courts 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. In view of the facts and circumstances noticed hereinabove, and in light of the submission made on behalf of the petitioner giving up the challenge to the conviction, no ground is made out for interference with the concurrent findings of conviction recorded by the Courts. Accordingly, the present petition, to the extent it assails the judgment of conviction dated 18.08.2010/19.08.2010 passed by the learned Additional Chief Judicial Magistrate, Karnal, as affirmed by the learned Additional Sessions Judge, Karnal vide judgment dated 12.02.2011, stands dismissed. Thus, the scope

of adjudication in the present proceedings stands confined solely to the question of quantum of sentence.

15. 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."*

16. Having heard learned counsel for the parties and upon due consideration of the facts and circumstances of the case, this Court is of the view that while the conviction of the petitioner does not warrant interference in the exercise of revisional jurisdiction, the question of sentence calls for reconsideration. The occurrence arises out of an incident of rash and negligent driving, devoid of any element of premeditation or intentional wrongdoing. It is also not in dispute that compensation has already been awarded to the claimants, thereby addressing the aspect of restitution. It is further noteworthy that the occurrence pertains to the year 2003 and more than two decades have elapsed since then, during which the petitioner has undergone the rigours of criminal prosecution and trial. At the time of suspension of sentence, the petitioner had already undergone a period of incarceration of approximately 3 months. Further, there is nothing on record to indicate that the petitioner has any prior criminal antecedents or that he is a habitual offender, thereby suggesting that the incident was an isolated aberration. The prolonged pendency of proceedings and the attendant mental, social and economic consequences suffered by the petitioner also constitute relevant mitigating factors.

17. In view of the aforesaid cumulative circumstances, this Court is satisfied that adequate and compelling mitigating factors exist which justify interference with the quantum of sentence. The peculiar facts and circumstances of the present case, as noticed hereinabove, warrant a modification of the sentence in order to meet the ends of justice.

18. Accordingly, in view of the discussion hereinabove, the present petition is partly allowed. While the judgment of conviction is maintained,

the order of sentence is modified. Consequently, the sentence awarded to the petitioner under Sections 279, 338 and 304-A of the Indian Penal Code, 1860, by the learned Additional Chief Judicial Magistrate, Karnal, vide order dated 20.08.2010, as affirmed by the learned Additional Sessions Judge, Karnal, vide judgment dated 12.02.2011, is modified and reduced to the period already undergone by him.

19. The petitioner, if in custody and not required in any other case, shall be released forthwith, in accordance with law.

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

(VINOD S. BHARDWAJ)
JUDGE

04.05.2026

Mangal Singh

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