

2026:PHHC:071959



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

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CRR 1643 of 2012

Date of Decision: 06.05.2026

Kirpal Sareen

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. K.P.S.Virk, Advocate as Amicus Curiae
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 21.05.2012 passed by the Court of Additional Sessions Judge, Shaheed Bhagat Singh Nagar and the judgement of conviction and order of sentence dated 23.09.2011 passed by the Court of Sub-Divisional Judicial Magistrate, Balachaur, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A IPC and was sentenced to undergo rigorous imprisonment for a period of 03 months and to pay a fine of Rs.200/- under Section 279 IPC alongwith default stipulation. He was further sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- under Section 304-A IPC alongwith default stipulation.

2. Brief facts of the case are that on 31.10.2008, ASI Sukhbir Singh, along with other police officials, was present at turn of Kathgarh,

where complainant Bhupinder Singh got recorded his statement to the effect that he is resident of above said address and is an agriculturist. Today, he, along with his co-villager Kuldip Singh, was standing in front of their house, on the corner of the road. Thereafter, his father started going from their house to Balachaur on Enfield motorcycle. Meanwhile, a car came from village Kathgarh, the number of which he later on came to know as PB-07-T-7774 Make Swift CDi, at a very high speed. When his father tried to turn the motorcycle towards the village after giving indication, then car struck in the motorcycle of his father from the wrong side and due to struck, his father fell down on the road at about 06:30 p.m. Due to accident, his father suffered injuries in head and on legs. Thereafter, he reached near his father and meanwhile, the car driver ran away from the spot after leaving the car. After arranging the vehicle, he was bringing his father to Balachaur for treatment, but his father died on the way. This accident took place due to rash and negligent driving of the car driver and he and Kuldip Singh had seen the accident. So, action be taken against the car driver. Thereafter, FIR was registered and investigation was started. On 01.11.2008, petitioner Kirpal Sareen was arrested. Record was taken into police possession. Site-plan was prepared. Driving licence of accused and registration certificate of the vehicle was taken into police possession. Statements of the witnesses were recorded. After completion of the necessary investigation, *challan* was presented in the Court.

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

4. In order to prove its case, the prosecution examined HC Balbir Singh as PW1, ASI Sukhbir Singh as PW2, photographer Sukhraj as PW3, complainant Bhupinder Singh as PW4, Parvinder Singh as PW5, Clerk Amarjit as PW6, Dr. Rachhpal Singh as PW7 and HC Pritpal Singh as PW8. 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. Learned counsel for the petitioner has vehemently argued that in the present case, the presence of the eyewitnesses was highly doubtful at the place of occurrence. Apart from that, there were serious contradictions in the statements of various prosecution witnesses and even in the site plan prepared by the prosecution, the motorcycle of the deceased did not find any mention. The said fact alone proves that the deceased had not died in the vehicular accident.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner by submitting that both the Courts have recorded concurrent findings of fact. Even, there was no dispute regarding the presence of eyewitnesses at the spot. Moreover, the car, which was involved in the present accident belonged to the

present petitioner. Thus, the petition deserves to be dismissed by this Court.

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

9. In the present case, the prosecution examined Bhupinder Singh, complainant, as PW4, who had supported the case of the prosecution completely. The prosecution further examined PW1 HC Balbir Singh, who had placed on record the mechanical report regarding the offending car, which was involved in the accident. PW2 ASI Sukhbir Singh proved the entire investigation in the present case. Even, during the course of investigation, it stood amply proved that the accident was caused by the present petitioner. Apart from that, PW5 Parvinder Singh was examined as PW5, who had also witnessed the occurrence and also explained the manner, in which, the petitioner had caused death of Sarabpreet Singh by driving his car rashly and negligently. The prosecution further examined PW7 Dr. Rachhpal Singh, who conducted the post-mortem examination on the dead body of Sarabpreet Singh on 01.11.2008 and four injuries were found on his person. He proved the post-mortem report Ex.P1 and pictorial diagrams Ex. P2. HC Preetpal Singh was examined as PW8, who mechanically checked the vehicle bearing registration No. PB-07-T-7774 and proved his report Ex. P8. From the above referred evidence, it was proved beyond doubt that the petitioner drove his car on a public way in a manner so rash and negligent, which could endanger the human life and he had also caused death of Sarabpreet Singh. Thus, the essential ingredients of the offences

punishable under Sections 279 and 304-A IPC stood proved in the present case. 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.

10. 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 dismissed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld.

12. 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 31.10.2008, i.e., for the last more than 17 years. At present, the petitioner is aged about 64 years and is a first-time offender. Still further, as per the custody certificate, he has undergone 04 months and 16 days out of total sentence of 1 year. Even, his sentence was suspended by this Court on 19.09.2012 and in the last more than 14 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. However, the sentence of fine will remain the same.

13. The fee of Mr. K.P.S.Virk, learned Amicus Curiae, who assisted the Court on behalf of the petitioner is assessed at Rs. 20,000/-. The fee shall be paid by the Secretary, High Court Legal Services Committee.

14. 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