



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-167-2012 (O&M)
Date of Decision: 19.03.2026

Kuldip Singh ...Petitioner

VS.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. R.B.S. Chahal, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition challenging the impugned judgment dated 03.01.2012 passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib, whereby the judgment of conviction dated 15.11.2008 passed by the Court of learned Judicial Magistrate 1st Class, Malout, was partly upheld, vide which, the petitioner was acquitted of the charge under Section 304-A IPC; however, his conviction under Section 279 IPC was maintained, along with the sentence of six months' imprisonment awarded thereunder.

2. The brief facts of the present case are that on 10.02.2004 Manjinder Singh son of Mahinder Singh, resident of village Kattianwali appeared and suffered statement before ASI Puran Chand, to the effect, that on 04.02.2004 at about 6.00 P.M., he was standing on the G.T. Road, in front of Baba Ishar Singh Public School. Amandeep Singh, member Panchayat, son of Swaran Singh was coming from Malout side, on his scooter no. PB-15-9075,



make Bajaj Chetak. At that time, a Maruti car of white colour, came from Abohar side, at very high speed, and it struck straight in the scooter, driven by Amandeep Singh, resultantly, he fell down, and the scooter was dragged to some distance by the car. The driver of the car stopped the car after some distance. The left thigh of Amandeep Singh was noticed broken apart and abrasions near his both eyes, and on shoulders, besides injuries on his head. The car was bearing R.C. no. PB05H-2101. The driver came out of the car, and disclosed his name as Kuldip Singh son of Gurdial, resident of Jeet Singh Wala, P.S. Ghal Khurd. Jaspal Singh son of Swaran Singh, resident of Dhani Kattianwali, came to the spot, and when they were busy in handling the injured Amandeep Singh, the car driver ran away from the spot. After arranging the vehicle, Amandeep Singh was taken to Adesh Hospital, Bathinda, from where, he was referred to Nagpal Hospital, Mall Road, Bathinda, on account of serious injuries. The said accident had taken place, due to the negligent, rash and fast driving of car, by its driver Kuldip Singh, i.e. the present petitioner. Till that date, there were efforts for the compromise of the matter, and on its failure, the same was reported to the police. On the basis of said statement, the case in hand was registered. After the conclusion of the investigation, the challan under Section 173 Cr.P.C. was filed in the Court against the accused.

3. After perusing the challan and accompanied documents, the trial Court found that a *prima facie* case under Sections 279, 337, 338 and 304-A IPC was made out against the petitioner and he was charge-sheeted accordingly. He pleaded not guilty and claimed trial.

4. During the course of trial, the prosecution examined eight witnesses, namely, PW-1 Dr. Sunil Bansal, Medical Officer, PW-2 Manjinder



Singh, complainant, PW-3 HC Ramesh Chander, No.340, PW-4 Jagmeet Singh, PW-5 Dr. Jagmal Singh, PW-6 Avtar Singh, Junior Assistant, PW-7 Jaspal Singh an eye-witness of occurrence and PW-8 ASI Puran Chand, IO of the case and and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and all the incriminating material was put to him, however, he pleaded his false implication. He stated that on the said date, he was coming from Abohar in his car, and when he reached near the bus stand of village Kattianwali on the G.T. Road, he saw a scooter coming from the Dhani of village Kattianwali. The scooter was driven in rash and negligent manner. He tried to save himself as well as the scooter from hitting each other, and turned the car. At that time, his car hit/stuck with the Kikkar tree, and the scooter was saved. He might have hit with some other vehicle. They were coming on a very slow speed in a smooth manner. There was no negligence on the part of the petitioner. However, the petitioner did not lead any evidence in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. Learned State counsel contended that the petitioner does not deserve any 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. To prove its case, the prosecution examined PW1, Dr. Sunil Bansal, Medical Officer, Civil Hospital, Malout, who conducted the post-mortem examination on the dead body of Amandeep Singh and found the following injuries on the person of the deceased:-

- (i) *Healed scar mark of size of 3 cms. 1 cm. left upper lip with badly damaged of left eye ball. On dissection underlying muscle of lid was healthy.*
- (ii) *Bed sour on posterior side of abdomen size 7 cms. X 5 cms. In the middle of lower side muscle deep wound was infected. Underlying bone healthy on dissection. Large amount of pus present.*
- (iii) *Old scar mark 5 cms. 0.1 cm on left lateral side glatal region and on left iliac crest on dissection nail was seen in femur.*
- (iv) *Multiple old scar mark on head right side of face on lower legs on dissection underlying bone healthy.*

PW-1 proved the copy of the post-mortem report (Ex.PA) and the pictorial diagram, showing the seats of injuries (Ex. PB), whereas, as per the opinion of the doctor, pneumonia, or in combination with other injury No. 2 was sufficient to cause death in ordinary course of nature, meaning thereby, the deceased had died, either due to pneumonia or bed sour and there is no opinion of the doctor, if the cause of death is, due to the injuries, sustained by the deceased Amandeep Singh, in the accident.

10. The prosecution further examined PW2, Manjinder Singh, complainant, who stated that Amandeep Singh was discharged from Nagpal



Hospital, Battinda, after getting treatment for 40 to 45 days. Still further, PW2, Manjinder Singh and PW7, Jaspal Singh were both eye-witnesses and had narrated the entire sequence of events. Even the testimonies of the aforesaid witnesses were fully corroborated by the statements of HC Ramesh Chandar, PW5, Dr. Jagmal Singh and PW6 Avtar Singh, Junior Assistant. Thus, from the prosecution evidence, it was apparent that Amandeep Singh had sustained injuries in the accident, which had taken place on 04.02.2004. Still further, as per PW1, the death in the present case was due to pneumonia, which alone or in combination with injury No.2 was sufficient to cause death in ordinary course of nature. Consequently, the petitioner has been rightly convicted by the Appellate Court for the offence punishable under Section 279 IPC.

11. Now, advertent to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 10.02.2004 and was never involved in any other criminal case. Even as per learned counsel for the petitioner, the date of birth of the petitioner is 13.01.1944 and he is aged about 82 years. Even his sentence was suspended by this Court on 20.01.2012 and since then, he has maintained good conduct. Apart from that, it is also apparent from his custody certificate that he had undergone 20 days of actual sentence, out of total sentence of six months. Thus, keeping in view the mitigating circumstances of the present case, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

12. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.
13. Pending applications, if any, stand disposed of, accordingly.

19.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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