

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-327-2012(O&M)
Date of Decision: 07.04.2026

Jai Kumar ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr.Dhanpat Rai Singla, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 05.12.2011 passed by the Court of Additional Sessions Judge, Barnala and the judgment of conviction and order of sentence dated 22.09.2011 passed by the Court of Judicial Magistrate 1st Class, Barnala, whereby the petitioner was convicted for the commission of the offences punishable under Sections 279, 304-A and 337 of IPC and was sentenced as under:-

Under Section	Sentence
279 of IPC	RI for a period of 06 months and to pay a fine of Rs.500/-, in default to further undergo RI for 15 days
304-A of IPC	RI for a period of 01 year and to pay a fine of Rs.500/-, in default to further undergo RI for 15 days.
337 of IPC	Fine of Rs.500/-



2. The prosecution story is that on 07.04.2006, a wireless message was received from SHO Police Station Barnala that Manu wife of Arun Kumar, Rashmi wife of Rajesh Kumar, Rashem son of Arun Kumar and Arun Kumar son of Hem Raj and Rajesh Kumar son of Desh Raj, residents of Rampura Phul have been admitted in the hospital due to injuries received by them in the accident upon which ASI/Investigating Officer and other police officials reached Civil Hospital where they came to know that Manu and Rashmi have been referred to DMC Ludhiana, whereas, Rajesh Kumar and Rashem were not admitted and Arun Kumar found present near the dead house, who got recorded his statement (Ex. PW2/A) that he is resident of Rampura, District Bhatinda, where he is running a cloth shop. On 06.04.2006, he, on his Maruti Car bearing No. HR-16C-7439, alongwith his wife Manju son Rashem, brother Rajesh Kumar, Bhabhi Rashmi and mother Prem Lata had gone to pay obeisance at the mosque of Haider Sheikh at Malerkotla. At about 1.30 p.m. on 07.04.2006, he was returning to Rampura and when they reached near village Harigarh, they saw one truck bearing No.RJ-13G-3813 coming behind them and it collided their Maruti car from behind due to which his mother Prem Lata died at the spot and injuries were received by all other persons. Thereafter, they were admitted to Civil Hospital Barnala in ambulance. His wife Manju and Rashmi have been referred to DMC at Ludhiana, whereas, Rajesh Kumar and Heman have been discharged after first aid. He stated that this accident took place due to rash and negligent driving the truck No. RJ-13G-3813 by its driver and as such action be taken against him. This statement was read over and explained to Arun Kumar, who after admitting it correct signed the same and after making endorsement Ex. PW3/A, it was sent to the Police Station through SPO Makhan Singh on the



basis of which, formal FIR (Ex. PW3/B) was recorded against unidentified person by ASI Paramjit Singh and rough site plan was prepared. Truck and Maruti car were taken into possession by the police. Post-mortem of the deceased was got conducted. Statements of the witnesses were recorded. Accused was arrested and after completion of investigation, challan was presented before the trial Court.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Sections 304-A, 279, 337 of IPC was made out against the petitioner and he was charge-sheeted accordingly. The petitioner pleaded not guilty and claimed to be tried by the trial Court.

4. In order to prove its case, the prosecution examined PW-1 Dr. Navneet Bhathal, PW-2 Arun Kumar, PW-3 Kuldeep Singh, PW-4 HC Satpal Singh, PW-5 Manu Garg, PW-6 Rashmi Garg, PW-7 Arun Kumar and PW-8 Rajesh Kumar and thereafter, the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. The petitioner chose not to lead any defence evidence.

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 examined the entire case on merits in the light of the evidence led by the prosecution.



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. In the present case, the case was registered on the basis of the statement of Arun Kumar, PW-2/PW-7, who had fully supported the case of the prosecution. He identified the petitioner as a same person, who was driving the offending truck in the present case. The statement of PW-2, Arun Kumar has been corroborated by the statement of PW-5, Manju Garg and PW-8, Rajesh Kumar, both injured. All these witnesses clearly stated that the petitioner was driving the truck rashly and negligently and due to this, they had received injuries and were admitted to Civil Hospital, Barnala in ambulance. Still further, there was no question of identity of the petitioner and only he had caused accident by driving the truck rashly and negligently. Even, it has not been proved that the complainant side was inimical towards the petitioner and he has falsely involved in the present case. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now, adverting to the order of sentence, this Court is conscious of the fact that the petitioner is facing the agony of trial/appeal/revision since 07.04.2006 i.e. for the last more than 19 years. Even from his custody certificate, it is apparent that he had already undergone 04 months and 23 days of actual custody, out of total sentence of one year and was never involved in



any other crime. Even the sentence imposed on the petitioner was suspended by this Court on 21.03.2012 and in the last about 14 years, he has consistently maintained good conduct. 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.

11. 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.

12. Pending applications, if any, stand also disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

07.04.2026
hemlata

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