



239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4001-2012
Date of Decision:05.05.2026

Satnam Singh ...Petitioner
Vs.
State of Punjab and Anr. ...Respondents

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

Present: Mr. Jaivir Singh Chandail, Legal Aid Counsel
for the petitioner.

Mr. Aman Kumar, Advocate
for the petitioner.

Mr. Charanpreet Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 23.11.2012, passed by the Court of Additional Sessions Judge, SBS Nagar (Nawanshahr) whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 03.08.2011, passed by the Court of Sub-Divisional Judicial Magistrate, Balachaur, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279 and 338 of IPC and was sentenced as under:-

Under Section 279 of IPC	R.I for a period of three months and to pay a fine of Rs.200/-. In default of payment of fine, he shall undergo further S.I for a period of seven days.
Under Section 338 of IPC	R.I for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, he shall undergo further S.I for a period of fifteen days.



2. The brief facts of the prosecution case are that ASI- Balbir Singh along with HC-Balbir Singh, PHG-Santokh Singh were present at the chowk of Balachaur in connection with patrolling duty. Vikas Sharma met ASI Balbir Singh and got recorded his statement. Vikas Sharma stated that he is resident of Ward no.12, Balachaur and running the business of Hardware. That at 3:30 P.M., he on his motorcycle bearing registration no.PB-20-A-6516 was going to the bridge of Kangna. Mahesh Kumar @ Sonu son of Shiv Kumar resident of ward no.6, Balachaur on his motorcycle bearing registration no.PB-20-A-7115 mark Hero Honda was also going towards the bridge of Kangna. When they reached near the gas agency, then Maruti Van colour black which was driven by a Sikh gentleman came. The registration number of the vehicle was later on came to know 97-B-063132. The driver of the said van overtook the school van and struck his Maruti van in the motorcycle of Mahesh Kumar. Mahesh Kumar suffered fracture of right leg and foot at the place of occurrence due to the accident. The motorcycle was also got damaged. Mahesh Kumar fell down on the road. He parked his motorcycle and put Mahesh Kumar in the same Maruti van and took him to Civil Hospital, Balachaur. The doctor of Civil Hospital, Balachaur gave first aid to Mahesh Kumar and referred him to D.M.C. Ludhiana for further treatment. He sent Mahesh Kumar alongwith his father Shiv Kumar to Ludhiana in Government Ambulance. He gave the message at the house of Mahesh Kumar and came back at the spot. He was going to inform the police but ASI-Balbir Singh met him at Mehndipur Chowk, Balachaur. The occurrence took place due to rash and negligent driving of Maruti Van. The name of driver was later on came to know to him as Satnam Singh son of Natha Singh resident of village Mehtabpur, P.S.Mukerian, District Hoshiarpur. He



requested that action be taken against the culprit. Statement of Vikas Sharma was recorded which was signed by Vikas Sharma and it was attested by ASI-Balbir Singh. ASI-Balbir Singh sent the statement Ex.PA through his endorsement Ex.PW-6/A to the police station, on the basis of which formal FIR Ex.PW-1/A was registered. The endorsement regarding registration of FIR was made by ASI-Bhag Mal on the police proceedings which is Ex.PW-6/B. The Investigating Officer visited the place of occurrence and prepared the rough site plan Ex.PW-6/D. Investigating Officer also visited Civil Hospital, Balachaur and moved an application regarding the fitness of Mahesh Kumar. The doctor made a report that the injured has been referred to DMC, Ludhiana. The memo of the said fact is Ex.P6/C. The motorcycle bearing registration no.PB-20-A-7115 was taken into police possession vide memo Ex.PB which was attested by HC-Balbir Singh and Vikas Sharma. The photocopy of registration certificate of motorcycle bearing registration no.PB-20-A-7115 alongwith driving licence of Mahesh Kumar were taken into possession vide memo Ex.PW-2/A which was attested by HC-Balbir Singh. Three photographs which were taken by Tarsem Lal were taken into police possession vide memo Ex.PW-2/B. Maruti Van bearing registration no.97B063132 alongwith driving licence of Satnam Singh was taken into police possession vide memo Ex.PC which was attested by HC-Balbir Singh and Vikas Sharma. Maruti Van was handed over to Lieutenant Colonel Rakesh Kumar vide memo Ex.P-6/E. The accused Satnam Singh was arrested vide memo Ex.P-6/F and his personal search was conducted vide memo Ex.P-6/G. Satnam Singh was released on bail vide memo Ex.P-6/H. The motorcycle bearing registration no.PB-20-A-7115 was handed over Nitesh Kumar vide memo Ex.P-6/J. The Investigating Officer took medical record



Ex.PY of Mahesh Kumar into police possession. Investigating Officer recorded the statements of witnesses and after completion of investigation, report under section 173 (2) Cr.P.C was presented in the learned trial court.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279,337,338 and 427 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 07 witnesses.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to 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. To prove the case, the prosecution examined PW-1 S.I Bhag Mal, who had recorded FIR Ex.PW-1/A on the basis of receipt of ruqa. PW-2 HC, Harminder Singh, who had recorded the statement of Mahesh Kumar, injured under Section 161 Cr.P.C and had filed the memos Ex.PW-2/A and Ex.PW-2/B.



Vikas Sharma, complainant examined as PW-3 and deposed as per his statement Ex.PA. Mahesh Kumar, injured appeared as PW-4 and had supported the case of the prosecution in totality. PW-5 Daljit Singh, who was posted as Motor Vehicle Clerk and had brought the summoned record. Balbir Singh, I.O examined as PW-6 and proved on record the statement of complainant Ex.PA. He proved his signatures on ruqa Ex.P-6/A. He also proved on record FIR Ex.PW-1/A, endorsement Ex.P-6/B, rough site plan Ex.P-6/D, application moved before doctor Ex.P-6/C, recovery memo of motorcycle Ex.P-B, recovery memo of Maruti Van Ex.PC, memo regarding handing over Maruti Van to Rakesh Kumar Ex.P-6/E, arrest memo Ex.P-6/F, personal search memo Ex.P-6/G, bail bonds of accused Ex.P-6/H, memo regarding handing over motorcycle to brother of Mahesh Kumar Ex.P-6/J. Thereafter, he recorded the statements of HC-Balbir Singh and Tarsem Lal photographer. He identified the photographs Mark-A to Mark C, which were got clicked by the photographer at his instructions. Dr. Sanjeev Mahajan, Associate Professor, D.M College and Hospital, Ludhiana examined as PW-7 and tendered his affidavit Ex.PX and stated that Mahesh Kumar, injured was admitted at DMC Hospital, Ludhiana on 01.04.2009, who was under his care. The patient was operated for irrigation and debridement of wound, closed reduction and internal fixation of fracture femur with UFN, open reduction and internal fixation of fracture Tibia with UTN done on 01.04.2009. He further deposed that Fasciotomy of leg was done on 03.04.2009. Removal of metal work and below knee amputation was done on 09.04.2009 through knee disarticulation and stump closure was done on 18.04.2009. The patient was discharged from the hospital on 26.04.2009. He proved on record the report regarding injury as Ex.PY and bed head ticket



Ex.PZ.

8. From the evidence led by the prosecution, it was apparent that the petitioner was driving the offending Maruti Van in a rash and negligent manner and without blowing any horn and struck the same in the motorcycle of Mahesh Kumar, injured and caused grievous injuries on his person and the petitioner was rightly held guilty for commission of offences punishable under Sections 279 & 338 of IPC. Even otherwise, I have gone through the impugned judgments passed by the Courts below and find that there is no illegality, perversity or infirmity in the impugned judgments of conviction passed by the Courts below and the same are upheld.

9. Now, adverting to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 01.04.2009 i.e. for the last more than 17 years and is a first offender. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 25.07.2013 and for the last about 13 years, he had maintained good conduct. Moreover, he has already undergone more than 01 month and 05 days of actual custody. Thus, keeping in view the peculiar facts and circumstances of the present case as well as the law laid down by the Hon'ble Supreme Court in the matter of ***Som Dutt and others Vs State of Himachal Pradesh (2022) 6 SCC 722*** and ***Lakhvir Singh Vs State of Punjab (2021) 2 SCC 763***, the petitioner is ordered to be released on probation for a period of one year subject to his furnishing a personal bond in the sum of Rs.10,000/- with a surety of like amount. The petitioner shall submit an undertaking to maintain peace and good behaviour for a period of one year to the satisfaction of the Trial Court/CJM concerned within a period of four weeks



from today. In case, he does not comply with the directions or there is any breach of undertaking, he shall be liable to undergo the sentence which was imposed on him by the Appellate Court. Still further, in view of Section 12 of the Probation of Offenders Act, the judgements passed by both the Courts as well as this Court shall not be a hurdle to the petitioner in any manner to get the service benefits to which the he is entitled.

10. The present revision petition is disposed off, accordingly.

05.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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