

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

2026 PHHC-066186



CRR-2027-2013 (O&M)
Date of Decision: 28.04.2026

GURBAZ SINGH @ BAJA ... PETITIONER
STATE OF PUNJAB ... RESPONDENT
VERSUS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present- Mr. Manas Bhatia, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. Present revision has been filed against the judgment of conviction and order of sentence dated 30.03.2012 passed by the learned Judicial Magistrate First Class, Amritsar and judgment dated 01.06.2013 passed by the learned Sessions Judge, Amritsar whereby the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and fine of Rs.500/- under Section 304-A IPC and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months.

2. The case of the prosecution is that on September 08, 2008 complainant Varinder Singh along with his father had come to visit his brother-in-law (Sisters husband), Charanjot Singh. They were going to attend marriage function at Lawrence Road, Amritsar. Varinder Singh and his father was on one motorcycle and his brother in law, Charanjot Singh was on his Scooter. It has been alleged that at around 11.20 PM one car make Tavera driven by petitioner in rash and negligent manner without blowing any horn, came on wrong side and hit the scooter of Charanjot Singh. As a result of

which said Charanjot Singh expired on 15.09.2008.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner was 48 years of age at the time of the conviction and more than two decades have passed since he is facing the rigors of trial. He has already undergone custody for a period of 09 months and 18 days out of the awarded sentence of two years. He prays that since the occurrence is of the year 2008, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and has filed the custody certificate in the Court, which is taken on record. He further submits that the learned trial Court and the Appellate Court have passed well reasoned judgments based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2013 and the petitioners have already faced the rigors of the trial for more than 12 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the petitioner, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be

awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned Courts indicate no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2008. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 12 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserve the benefit of the consistent view

made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra* reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period as already undergone by them.

11. Accordingly, judgment passed by the learned Judicial Magistrate First Class, Batala dated 30.03.2012 passed by the learned Judicial Magistrate First Class, Amritsar and judgment dated 01.06.2013 passed by the learned Sessions Judge, Amritsar are hereby affirmed but the quantum of sentence awarded by the Court concerned under Section 304-A IPC is hereby modified and reduced to the period of sentence as already undergone by the petitioner. However, the compensation in the instant case is enhanced to Rs.20,000/- which shall be paid to the legal representatives of the deceased. The petitioner is on bail. He need not surrender. His bail bonds are discharged.

12. With these modifications, the present petition is disposed of.

13. Pending application(s), if any, shall also stand disposed of.

(H.S.GREWAL)
JUDGE

28.04.2026

Janki

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