



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

228

CRR-3294-2013 (O & M)
Date of decision: 06.04.2026

SANJAY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Harmanpreet Kaur, Advocate for the petitioner.
Mr. Gautam Kaile, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 08.10.2013, passed by the Ld. Sessions Judge, Jhajjar, affirming the judgment/order of conviction by trial Court on 11/13.10.2012, whereby the petitioner was convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
279 IPC	RI for 6 months	Rs.1000/-	SI for one month
304-A IPC	RI for 2 years	Rs.9000/-	RI for three months

2. Summarily, FIR No. 202 dated 04.05.2003 was registered under Sections 279, 304-A IPC, on the statement of complainant-Satish, that on 03.05.2003, he along with his cousin brother, Devender boarded one Max Jeep driven by the petitioner, who while driving rashly and in a negligent manner tried to overtake a Sumo car, whereupon his vehicle lost balance and the deceased, cousin of the complainant sustained injuries, who was rushed to PGIMS, Rohtak, where he was declared dead.



3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the petitioner. On finding a *prima facie* case, charge under Section 279, 304-A IPC was framed against him, to which he pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 8 witnesses. Thereafter, the statement of the accused under Section 313 Cr.P.C. was recorded. The incriminating evidence was put to him, which he denied, pleading innocence and alleging false implication.

5. The trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioner, and the appeal preferred by him has also been dismissed by the Appellate Court, as noticed above.

6. Aggrieved petitioner is before this Court.

7. Learned counsel for the petitioner, at the very outset, gives up challenge to the conviction and prays for reducing the sentence awarded to him to the period already undergone, it being 7 months & 28 days on account of he being 50 years old; first time offender; sole breadwinner of his family consisting of three daughters; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial since 2003.

8. Learned State counsel opposes on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioner, therefore, prays for the dismissal of the present petition. He, however, affirms his non-involvement in any other criminal case and the period undergone by him.

9. Heard.



10. The deposition of complainant PW-2 Satish Kumar, cousin of the deceased Devender, along with the testimony of PW-6, the Investigating Officer, clearly establishes that the accident occurred due to the rash and negligent driving of the petitioner. Further, as per the statement of PW-4 Dr. R.K. Nandal, the cause of death of the deceased was injuries sustained to a vital organ, namely the brain. The findings returned by the Courts below are based on a proper appreciation of evidence and call for no interference. Consequently, the conviction of the petitioner is upheld.

11. Regarding the prayer of the learned counsel for the petitioner that in view of the aforestated mitigating circumstances, the sentence of the petitioner may be reduced to the period already undergone, it is apposite to make a reference to the judgment of **K. Jagadish vs. State of Karnataka**, 2018 SCC OnLine SC 2489, where the appellant was convicted under Sections 279, 337 and 304 A IPC and Section 146 read with 196 of the Motor Vehicle Act, Hon'ble the Supreme Court reduced his sentence to the period already undergone.

12. This Court in **Nafe Singh vs. State of Haryana**, CRR-239-2023 decided on 11.05.2023, reduced the sentence of 2 years awarded to the petitioner therein convicted under Sections 279, 337 and 304-A, to 5 months and 16 days, it being the period already undergone by him, as he had faced the agony of trial for almost 8 years and was a first time offender. Similarly in **Pardeep vs. State of Haryana**, CRR-1262-2017 decided on 21.07.2023, the sentence of the accused convicted under Sections 279 and 304-A IPC, was reduced to 2 months and 29 days, it being the period already undergone by him, as he had faced the agony of trial for almost 4 years.



13. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilized society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [**Maru Ram v. Union of India**, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

14. It is a settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. The object of the criminal justice system is to reform the offenders and to make them see and follow the right path. However, the ancient penological approach was of custodial measure to curb crime. A balanced approach keeping in view the interests of the victim and accused and their families, release on admonition, probation, etc. is the way forward.

16. Keeping in view the mitigating circumstances as brought out above, it would serve the ends of justice to reduce the sentence of the petitioners to the period already undergone, however, keeping the fine intact.

17. Accordingly, while upholding the conviction of the petitioner, his sentence is ordered to be reduced to the period already undergone by him, however, keeping the fine intact.



18. With the above modification in the order of sentence dated 13.10.2012 passed by learned Sub Divisional Judicial Magistrate, Bahadurgarh, as noted above, the revision petition is partly allowed.

06.04.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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