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

**CRR-2177-2015 (O&M)
Date of Decision:27.05.2026**

Rajender

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present: Mr. Rakesh Kumar Sharma, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J.

CRM-23959-2026

1. Application is allowed as prayed for, subject to just all exceptions.

Main case

1. On the oral request made by learned counsel for the petitioner, the main case is ordered to be preponed and is taken on board today itself.

2. The petitioner has filed the present revision petition against the impugned judgment dated 02.06.2015, passed by the Court of Sessions Judge, Kaithal, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction dated 19.05.2014 and order of sentence dated 20.05.2014, passed by the Court of Additional Chief Judicial Magistrate, Kaithal, whereby, the petitioner was ordered to be convicted for the offences punishable under Sections 279 and 304-A of IPC and was sentenced as under:-



Under Section 279 IPC	R.I for a period of three months and to pay a fine of Rs.500/-, in default of payment of fine, to further undergo SI for a period of 01 month.
Under Section 304-A IPC	R.I for a period of one year and to pay a fine of Rs.1000/-, in default of payment of fine, to further undergo SI for a period of 02 months.

3. The brief facts of the prosecution case are that on 07.02.2012, complainant Surender Kumar son of Rakam Singh resident of Birbal Patti Keorak got recorded his statement Ex. PW4/A to the police to the effect that on 07-02-2012 at about 9:00 AM, he and his cousin brother Rishi Pal son of Lila Ram was going towards Kaithal on a motor cycle bearing registration No. HR-08-5716. A three wheeler bearing registration No. HR-64-3864 was also going ahead of their motor cycle. In the three wheeler Pardeep Kumar son of Dharam Pal resident of Village Keorak was also travelling along with other passengers. The driver of three wheeler was driving the three wheeler in a rash and negligent manner and when the three wheeler reached near H.C.T.M College, Kaithal, the driver turned the three wheeler suddenly as a result to which the three wheeler turned turtle. Pardeep Kumar sustained injury on his head. Other passengers had also sustained injuries. He (complainant) and Rishi Pal called the ambulance at the spot and took Pardeep Kumar to Civil Hospital, where doctor has declared Pardeep Kumar as dead.

4. After necessary investigation, challan was presented by the police before the competent Court. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279,337,304-A of IPC was made out against the accused and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be



tried by the Trial Court.

5. In order to prove the charge against the accused, the prosecution examined 09 witnesses. Rishipal (eye witness) as PW-1, EHC Raghbir Singh (recovery witness) as PW-2, ASI Shiv Kumar as PW-3, Surender Kumar (complainant/eye witness) as PW-4, EASI Raj pal as PW-5, ASI Ramesh Kumar, I.O as PW-6, Dr. Ajay Sher as PW-7, Rajesh (Superdar) as PW-8 and HC Baljeet Singh (Mechanic) as PW-9 and thereafter, the prosecution evidence was closed.

6. After the closure of the prosecution evidence, the statement of accused 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 witness was examined by the accused in his defence.

7. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments 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 convictions, still this Court has considered the case on merits.

8. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully

9. In the present case, the prosecution case was unfolded by PW-4 Surender Kumar. Even though he had not supported the case of the prosecution in totality, but stated that he had reached the spot and the incident had already taken place. He further stated that three wheeler was lying overturned and



injuries were caused to the passengers including Pardeep Kumar, deceased. However, Rishipal, PW-1 had supported the case of the prosecution in the present case. Still further, the prosecution examined PW-7 Dr. Ajay Sher, who had proved the post mortem report of Pardeep Kumar, deceased as Ex.PW-7/B. The prosecution further examined PW-2 E.H.C Raghbir Singh, who stated that on 07.02.2012, he joined the investigation with ASI Ramesh Kumar and on that day three wheeler bearing registration No.HR-64-3864 was taken into police possession vide memo Ex.PW-2/A. PW-3 ASI Shiv Kumar proved on file formal FIR Ex.PW-3/A and endorsement Ex.PW-3/B.

10. The prosecution further examined EASI Raj Pal, who deposed that on 08.02.2012, he joined the investigation with the I.O and in his presence accused Rajender, who is present in the court had produced Registration Certificate of three wheeler bearing registration No. HR-64-3864 and his driving license which were take into police possession vide memo Ex.PW5/A.

PW-6 ASI Ramesh Kumar, I.O had proved the investigation in the present case. The prosecution further examined PW-8 Rajesh, who stated that he had taken three wheeler bearing registration No.HR-64-3864 on Superdari from the Court vide Superdignama Ex.PW-8/A. PW-9 HC Baljeet Singh proved the mechanical examination report as Ex.PW-9/A.

11. From the above referred evidence, the prosecution has been able to prove the offence under Sections 279 and 304-A of IPC. Even otherwise, I have carefully perused the findings recorded by both the Courts and find no illegality, irregularity or perversity in the impugned judgments of conviction and the same are ordered to be upheld by this Court.

12. 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 07.02.2012 i.e. for the last 14 years. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 21.09.2015 and for the last more than 10 years, he had maintained good conduct. Moreover, he has already undergone more than 04 months of actual custody out of total sentence of one year. Consequently, the order of sentence is modified to the extent that the sentence imposed on petitioner is reduced to the period already undergone by him. However, the amount of fine will remain the same.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine will remain the same.

14. Since, the petitioner is stated to be in custody at present, he shall be released by the jail authorities forthwith, if not required, in any other criminal case.

15. Pending application(s), if any, stand(s), disposed of, accordingly.

16. Case property, if any, be dealt with as per rules.

17. The Trial Court record be sent back, if any.

(N.S.SHEKHAWAT)
JUDGE

27.05.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No