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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRR-2605-2014
Date of Decision:30.03.2026

Kulwinder Singh @ Kinda...Petitioner

Vs.

State of Punjab and Anr....Respondents

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

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Bhanu Partap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 16.07.2014 passed by the Court of Sessions Judge, Sangrur and the impugned judgment of conviction and order of sentence dated 07.06.2013, passed by the Court of Sub-Divisional Judicial Magistrate, Malerkotla, whereby the petitioner was ordered to be convicted for the offences punishable under Sections 279,337,338 of IPC and was sentenced as under:-

Under Section 279 IPC	R.I for a period of six months
Under Section 337 IPC	R.I for a period of six months
Under Section 338 IPC	R.I for a period of one year and to pay a fine of Rs.200, in default of payment of fine, to further undergo RI for a period of one month.

2. The brief facts of the case are that on 19.03.2007 on coming to know about admission of complainant Hari Singh son of Mangal Singh, resident of village Badla in Rajindra Hospital, Patiala in injured condition. Head Constable Jagtar Singh reached Rajindra Hospital, Patiala that Investigating Officer obtained opinion of the doctor regarding fitness of injured Hari Singh to



make statement upon which doctor declared injured Hari Singh unfit to make statement. On 20.03.2007, Head Constable Jagtar Singh, Investigating Officer of the case accompanied by other police officials again visited Rajindra Hospital, Patiala and obtained opinion of the doctor to record statement of injured Hari Singh upon which doctor declared injured Hari Singh fit to make the statement and accordingly, statement of injured/complainant Hari Singh was recorded by the Investigating Officer. Hari Singh, injured/complainant made a statement that he was resident of village Badla, Police Station, Amargarh. District Sangrur and was labourer by profession and stated that on 11.03.2007 he along with his wife Tej Kaur had gone from village Badla to Dera of *Saint* at village Lasoi, when he and his wife were returning from said Dera situated at village Lasoi on scooter make Panther, at about 11.00 A.M., when they reached near T-point of Village Lasoi, on main Khanna-Malerkotla road and were going on their left side of the road. Tata Sumo, bearing registration no. HR 26-E-1918 being driven in a rash and negligent manner by Kinda son of Gandhi, resident of village Dudhal, to whom he already knew, came from behind and hit their scooter and as a result, he and his wife sustained injuries and they were transported to Civil Hospital, Malerkotla and from Civil Hospital, Malerkotla, they were taken to home as they could not arrange money, that his son-in-law (daughter's husband) and daughter Jaswinder Kaur took him to their village Bhanra and then, they got him admitted in Rajindra Hospital, Patiala on 17.03.2007. The accident occurred on account of rash and negligent driving of Tata Sumo by its driver, that aforesaid statement was read over to complainant Hari Singh, who signed the same, after admitting its contents to be correct and the said statement was sent to the police station, on the basis of which formal



FIR was registered at Police Station, Malerkotla, under Sections 279,337, 338 and 427 of the Indian Penal Code.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279,337 and 338 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.

4. In order to prove the charge against the accused, the prosecution examined 09 witnesses. PW-1 Dr. S.S Gill, PW-2 Head Constable Jagtar Singh, PW-3 Karnail Singh, PW-4 Dharam Singh, Clerk PW-5 Head Constable Avtar Singh, Mechanic PW-6 Dr.Daljinder Singh, PW-7 Jagroop Singh, Clerk, PW-8 Dr. Parveen Puri and PW-9 Tej Kaur and closed the prosecution evidence.

5. 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 evidence in his defence was led by the accused.

6. 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 conviction, still this Court has considered the case on merits.

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

8. To prove the case of the prosecution, PW-9 Tej Kaur wife of Hari



Singh was examined as PW-9. She was the eye witness as well as the injured of the abovestated accident. Even, she had given the vivid account of the entire accident and had fully supported the case of the prosecution. She clearly identified the petitioner, who was driving the vehicle at the time of accident. Even, she is an old lady, but still she had categorically stated that the accident had occurred due to rash and negligent driving on the part of the present petitioner. To support her testimony, Dr. S.S. Gill, Medical Officer was examined as PW-1, who proved on record the MLR of Hari Singh as Ex.P-1, pictorial diagram as Ex.P-2. Similarly, PW-6 Dr. Daljinder Singh, Medical Officer, Civil Hospital, Malerkotla also stated that on 11.03.2007, the complainant namely Hari Singh and his wife were admitted at Civil Hospital, Malerkotla. There was a single injury in the form of tenderness right hip area noticed on the complainant and the X-Ray showed fracture of femur. There was also injury on the person of Tej Kaur i.e. single injury in the form of diffuse swelling right frontal area of scalp. C.T scan of the injured showed no abnormality. Tej Kaur was discharged on 12.03.2007, but Hari Singh left the hospital on 12.03.2007. PW-8 Dr. Parveen Puri, Medical Officer stated that DHS of patient was conducted under spinal anesthesia on 19.03.2007 and he was discharged on 30.03.2007. He brought original bed head ticket of the patient and exhibited as Ex.PW-8/A.

9. Apart from that, the prosecution also examined PW-3 Karnail Singh, who supported the case of the prosecution in totality. PW-5 Head Constable Avtar Singh, Mechanic proved the mechanical reports of Tata Sumo bearing No.HR-26E-1918 and scooty panther No.PB-28A-9023 as Ex. PW-5/A and Ex.PW-5/B. Even, PW-7 Jagroop Singh, Clerk, SDM Office, Samrala



proved the driving license of the petitioner as Ex.PW-7/A.

10. From the prosecution evidence, it was fully proved that on 11.03.2007, the petitioner had driving the offending vehicle in a rash and negligent manner on a public way and caused grievous hurts to Hari Singh and simple hurt to Tej Kaur by driving the offending vehicle in a rash and negligent manner. Even otherwise, I have gone through the judgments passed by both the Courts and find no irregularity or illegality in the same.

11. Now, adverting to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 20.03.2007 i.e for the last more than 19 years and is the sole bread earner of the family. Still further, as per the Custody Certificate, he has undergone actual custody of two months and 18 days out of total sentence of one year. Even, sentence imposed on him was ordered to be suspended by this Court on 25.09.2014 and in the past more than 11 years, he had been maintained good conduct and was never involved in any other crime in his life. Thus, it would be appropriate to reduce the sentence imposed on the petitioner to the period already undergone by him in the present case. However, the amount of fine shall remain the same.

12. 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 and the amount of fine shall remain the same.

30.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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