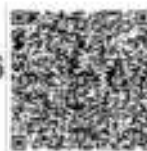


2026:PHHC:069176



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

223

CRR 1991 of 2016

Date of Decision: 04.05.2026

Gurmukh Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 27.04.2016 passed by the Court of Additional Sessions Judge, Tarn Taran, and the judgement of conviction and order of sentence dated 16.07.2015 passed by the Court of Sub Divisional Judicial Magistrate, Khadur Sahib, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A IPC and was sentenced to rigorous imprisonment for six months under Section 279 IPC. He was further sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.500/- alongwith default stipulation under Section 304-A IPC.

2. The facts as put-forth by the prosecution are that present FIR was registered on the statement of complainant Dial Singh to the effect that on 21.11.2013 he and Ex. Sarpanch Harwant Singh were

going on his motorcycle bearing No. PB-38-9845 Splendour. He was driving the same and Harwant Singh was pillion rider. They were going to Gurdwara Bauli Sahib, Goindwal Sahib. His nephew Dilpreet Singh and his brother's wife Baljit Kaur were going on motorcycle bearing registration No. PB-46-H-8765 Pulsar for admission of her daughter Anmoldeep Kaur to Jawahar Navodhia School in Sixth Class. They were at the distance of 200 meter from them. On that time, they were near Railway Crossing Goindwal Sahib. At about 10:45 a.m. from the side of Goindwal Sahib, one Alto Car which was being driven by one Sikh Gentleman and one lady was also sitting in the said car. Driver was driving the car in a very rash and negligent manner. The car was struck into the motorcycle of his nephew Dilpreet Singh. Due to this, Dilpreet Singh fell on the left side and he received many grievous injuries and Baljit Kaur also received injuries and car got struck into tree on the other side and driver of the case also got injured. They stopped the motorcycle and they saw Dilpreet Singh who died on the spot. He got admitted Baljit Kaur is Guru Kirpa Hospital. He came back at the spot. He saw driver of the car was not there. The number of the car is PB-08-BL-7197. On the basis of the aforesaid statement, case was registered.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 279 and 304-A IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 complainant Dial Singh, PW2 Baljit Kaur, PW3 Kulwinder Singh and

PW4 ASI Gurumukh. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statements of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined PW1 complainant Dial Singh, who reiterated the statement Ex. PA, which formed the basis of the FIR in the present case. However, Baljit Kaur, another eyewitness, was examined as PW2, who also supported the case of the prosecution. PW3 Kulwinder Singh reached at the spot and had identified the dead body of Dilpreet Singh. The prosecution further examined ASI Gurmukh Singh as PW4, who conducted the investigation in the present case. He recovered the Alto car as well as Pulsar

motorcycle and prepared the inquest report at the spot. Even photographs of the dead body were taken at the spot. The post-mortem report Ex. PX and pictorial diagram Ex. PY were placed on record and, thereafter, the prosecution evidence was closed. From the evidence led by the prosecution, it was clear that the accused was driving the vehicle rashly and negligently and had caused the death of Dilpreet Singh. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 21.11.2013, i.e., for the last more than 12 years and was never involved in any other criminal activity. He was first time offender. At present, he is aged about 57 years and is the sole bread winner of his family. As per his custody certificate, he has already undergone 05 months and 14 days of actual custody. The sentence imposed on the petitioner was suspended by this Court on 27.08.2016 and in the last more than 09 years, he has maintained good conduct and has not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in *Mallappa*

Hanumantappa Talawar v. State of Karnataka, (Criminal Appeal No.1606 of 2025, decided on 01.04.2025); Palwinder Singh v. State of Punjab, (Crl. Appeal No.2827 of 2025, decided on 23.05.2025); Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025) and Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.50,000/-, which shall be deposited by the petitioner as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the legal representatives of Dilpreet Singh, since deceased, in the present case, after proper verification and against receipt.

12. Pending applications, if any, stand also disposed of, accordingly.

04.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No