



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRR-3847-2015
Date of decision: 09.04.2026

SOHAN LALPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Rohan Mittal, Advocate (Amicus Curiae)
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present revision petition has been preferred against the judgment of conviction and order of sentence dated 24.03.2015, passed by the Judicial Magistrate 1st Class, Sangrur, whereby the petitioner has been convicted in case bearing FIR No.131 dated 06.10.2011 registered under Sections 279, 337, 338, 304-A of the IPC at Police Station, Longwal, sentenced as follows:

Offence under Section	Imprisonment	Fine	In default of payment of fine
279 IPC	Six months RI	--	---

304-A IPC	Two years RI	₹1000/-	One month Simple imprisonment
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Challenge is also to the judgment dated 02.09.2015 passed by the Additional Sessions Judge, Sangrur, whereby the appeal against the judgment of conviction and order of sentence dated 24.03.2015 was dismissed.

2. Briefly stated, the facts of the present case are that on 06.10.2011, a police party headed by ASI Gurbhajan Singh was present at Bus Stand, Badrukhan, in connection with patrolling and checking duties. During the course thereof, the complainant, Jagtar Singh, appeared before the police and got his statement recorded with regard to a road traffic accident. As per the said statement, on the day of the Dussehra festival, the complainant, along with his relatives, including his sister Amritpal Kaur, her husband Pargat Singh and their children, had gone to Sangrur for shopping. After completing their purchases, they were returning to their respective villages on motorcycles, with Pargat Singh and his family travelling ahead of the complainant. It is alleged that at about 5:00 p.m., near Gurudwara Mastuana Sahib on the road leading towards Bahadurpur, a truck bearing registration No. HR-58A-1371, being driven at a high speed and in a rash and negligent manner, approached in a zig-zag fashion and collided with the motorcycle of Pargat Singh, despite his attempt to avert the accident. As a result thereof, Pargat Singh sustained grievous injuries and subsequently succumbed to the same at Civil Hospital, Sangrur, while the other occupants also suffered injuries. The driver of the truck, identified as Sohan Lal, was alleged to be responsible for the occurrence. On the basis of the aforesaid statement, a case under Sections 279, 337, 338 and 304-A of the Indian Penal Code came to be

registered. During the course of investigation, the police prepared the site plan, recorded the statements of witnesses, seized the vehicles involved, conducted their mechanical inspection and got the postmortem examination of the deceased conducted. The accused was arrested and subsequently released on bail. Upon completion of investigation, the final report was presented before the competent Court.

3. On completion of the procedural compliances, parties led their respective evidence. The prosecution examined PW-1 Dr.Rahul, PW-2 Jagtar Singh (informant), PW-3 Amritpal Kaur, PW-4 HC Avtar Singh, PW-5 SI Gurbhajan Singh, PW-6 Dinesh Sharma and PW-7 Harpal Singh, Clerk RTO office, Yamunanagar.

4. The entire evidence was put to the petitioner and his statement under Section 313 Cr. P.C. was recorded. He denied the same but led no evidence in defence.

5. On consideration of the evidence and hearing the arguments, the Judicial Magistrate 1st Class, Sangrur convicted the petitioner vide judgment dated 24.03.2015 and sentenced him as mentioned above. Appeal against the order of conviction & sentence was also dismissed by the Additional Sessions Judge, Sangrur vide judgment dated 02.09.2015. Hence, the present petition.

6. Learned counsel appearing on behalf of the petitioner assails the impugned judgment of conviction contending that the appeal preferred by the petitioner has been erroneously dismissed without proper appreciation of the material on record. It is submitted that the accident in question occurred due to the sole negligence of the deceased, Pargat Singh. Learned counsel contends that the deceased was riding a motorcycle with four persons seated

on it, in clear violation of traffic rules and was not wearing a helmet at the relevant time. It is further argued that the incident was a case of head-on collision, thereby indicating contributory negligence on the part of the deceased, which has been completely ignored by the Courts below.

7. Learned counsel further submits that the presence of the alleged eye-witnesses, namely Jagtar Singh and Amritpal Kaur, at the spot is highly doubtful. It is contended that both the witnesses are closely related and interested witnesses and no independent witness was either joined during investigation or examined during trial. This casts a serious doubt on the veracity of the prosecution case. It is further argued that there are material discrepancies and contradictions in the statements of these witnesses on vital aspects, which go to the root of the case. Additionally, no test identification parade was conducted to establish the identity of the accused. It is further contended that the prosecution has failed to produce any cogent or clinching evidence to establish rash and negligent driving on the part of the petitioner. The finding of guilt has been recorded solely on the basis of testimonies of interested witnesses, which is legally unsustainable. Thus, the standard of proof beyond reasonable doubt has not been satisfied in the present case.

8. Learned counsel also submits that there are material discrepancies in the prosecution evidence and the entire incriminating material was not put to the petitioner during his examination under Section 313 of the Code of Criminal Procedure, 1973, and any such material cannot be relied upon against him for the purpose of conviction. It is also contended that the link evidence in the present case is wholly deficient and incomplete, thereby entitling the petitioner to acquittal.

9. On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioner, has argued that the prosecution has successfully established the guilt of the petitioner through cogent, reliable, and convincing evidence brought on record during the trial. It is further contended that the offence committed by the petitioner is of a serious nature and, therefore, calls for imposition of a stringent sentence. The learned State counsel submits that leniency in such cases would send a wrong signal to society and undermine the administration of criminal justice. Hence, it is imperative that adequate and deterrent punishment be imposed to ensure that such acts do not recur and to maintain public confidence in the rule of law.

10. I have heard learned counsel representing the parties and have gone through the case record.

11. At the outset it is apposite to refer to the findings recorded by the appellate court, relevant extract whereof are as under:

11. It has been submitted on behalf of the accused that the evidence of the eyewitness Jagtar Singh is not believable. His presence at the place of accident is highly doubtful. There was no occasion for him to be present; at the spot at the time of accident. The evidence of PW Amritpal Kaur is also not believable. There is no evidence on record that she was injured in the accident, which proves that she was also not present at the spot. In case, she was present there and was travelling on the motorcycle of the deceased, she was bound to get hurt in the accident. The guilt of the accused is not proved beyond shadow of reasonable doubt and he is entitled to be acquitted.

12. On the other hand, it has been submitted that the impugned judgment and order has been correctly passed by the trial Court, as the prosecution evidence has proved the offences punishable under Sections 279, 304-A IPC. The accused had driven truck No.HR-S8A-1371 in a manner so rash and negligent so as to endanger human life and public safety and has caused the accident in which deceased Pargat Singh suffered injuries and died. Accused has not disputed the fact that he was the driver of the said truck. The guilt of the accused is proved by the evidence of the prosecution led before the trial Court. The evidence of eyewitness Jagtar Singh and Amritpal Kaur is believable and cannot be discarded even if Amritpal Kaur was not hurt in the accident. The appeal deserves dismissal.

13. The prosecution in order to prove the guilt of the accused for commission of offences for which charge is framed has examined Jagtar singh, are witness of the occurence. He has deposed as per his statement Ex.Pl on the basis of which FIR was. recorded. He identified the accused in the Court. In his cross-examination, he has stated that he had seen the driver of the truck, when he came out of the truck. He also deposed that the accused fled away after causing the accident. He further stated that before fleeing away from the spot, the accused stood near him for a while. His evidence, in my opinion, proves the identity of the accused beyond doubt. His presence at the spot cannot be doubted as the FIR was registered on his statement. There is no undue delay in recording of the FIR. The occurrence had taken place at about 5.00 p.m. on 06.10.2011 and the FIR; was registered vide DDR No.27

dated 06.10.2011 at 7.00 p.m. The statement of PW Jagtar Singh was recorded by the Investigating Officer at 6.30 p.m. at bus stand, Badrukhan. As per the postmortem report Ex.PV/1/A, the dead body was received in the mortuary at 5.40. p.m. on 06.1).2011. The evidence of this witness has proved that he with the help of persons gathered at the spot, had taken deceased Pargat Singh to Civil Hospital, Sangrur. The arrival of the dead body in the Civil Hospital at 5.40 p.m. proves that the body of the deceased was firstly taken to the hospital and thereafter, the FIR was got registered. It was natural conduct of this witness to look after his injured brother-in-law first and then report the matter to the police. The delay, if any, in recording of the FIR is not fatal in this case.

14. The evidence of PW3 Amritpal Kaur, who is the wife of deceased Pargat Singh also proves the cause of accident. She has also deposed as per the prosecution story regarding the cause of accident and has also identified the accused in the Court. The accused does not dispute that he was not driving the ill-fated truck on the day of accident. In his statement recorded under Section 313 Cr.P.C., he had taken the pleas that he did not drive his vehicle in a rash and negligent manner. No suggestion was given to PW2 Jagtar Singh that the accused was not driving the truck on the day of accident. A suggestion was given that the accident has taken place due to the fault of deceased Pargat Singh. A similar suggestion has been given to PW Amritpal Kaur.

15. The site plan Ex.PWS/C reveal that the accident was caused at point "A" by the accused by taking his truck on the wrong side of the road

and thereafter, he took the truck on the correct side of the road and stopped it at point "B". The oral evidence as well as the site plan Ex. PWS/C prove that the accident was caused, as the accused had taken the truck on the wrong side of the road and collided against the motorcycle of the deceased, who was coming from the opposite direction on the correct side of the road. It is also proved from the report of the Mechanic Ex. PW4/B that the right side of the truck is damaged and the headlight is broken. This document also proves that the accident has been caused with the collision of the truck with the motorcycle. The truck driver was required to be very careful while driving the truck on the main road. But in this case, it is proved that he drove the truck at a high speed and in a rash and negligent manner, due to which, the truck collided with the motorcycle of the deceased and deceased Pargat Singh died due to the injuries suffered in the accident. The postmortem report reveals that the death was caused due to the injuries suffered in the accident. The evidence, of eyewitness Jagtar Singh and Amritpal Kaur, prove the guilt of the accused beyond shadow of reasonable doubt. The recovery of the truck from the place of accident further proves that this truck was involved in the accident and that the accused was driver of the truck. I do not find any illegality or infirmity in the finding recorded by the learned trial Court regarding the guilt of the accused. The prosecution evidence led before the trial Court is sufficient to prove the case beyond shadow of reasonable doubt. No interference in the impugned judgment is warranted in this case. The rashness or negligence of deceased Pargat Singh in driving

his motorcycle is not proved by the evidence of the prosecution witnesses, rather it is proved that he was driving his motorcycle on the correct side of the road. The identity of the accused is also established beyond shadow of reasonable doubt by the evidence of witnesses.

16. Therefore, as a result of discussion made above, the impugned judgment and order are upheld and the appeal is ordered to be dismissed. The accused is ordered to be taken into custody to serve the sentence of imprisonment as awarded by the learned trial Court. Case property be disposed of under rules after the expiry of period of appeal or revision, if any, or the result thereof. Summoned record of the Trial Court be returned a along with copy of judgment and appeal file be consigned.

12. A perusal of the above evidently shows that the appellate court has given its thoughtful consideration to the rival submissions advanced on behalf of the parties and has perused the entire material available on record. The principal contention raised on behalf of the petitioner pertains to the credibility of the eyewitnesses, namely Jagtar Singh and Amritpal Kaur, as well as the plea of contributory negligence on the part of the deceased. However, a perusal of the above reveals that all such contentions have been considered and adequately addressed by the Appellate Court while affirming the findings of the Trial Court.

13. It has been observed by the appellate court that the testimony of PW Jagtar Singh, being an eyewitness to the occurrence, has been found to be cogent, consistent and trustworthy. His presence at the spot stands corroborated by the prompt lodging of the FIR on the basis of his statement,

leaving no scope for doubt or fabrication. The sequence of events, including the immediate shifting of the injured to the hospital and subsequent registration of the FIR, reflects natural human conduct and does not suffer from any infirmity. The minor delay, if any, in recording the FIR stands satisfactorily explained and is not fatal to the prosecution case. Similarly, the testimony of PW Amritpal Kaur has been rightly relied upon by the Courts below. The mere fact that she did not sustain injuries does not, by itself, render her presence at the spot doubtful, particularly when her account of the incident is consistent with the prosecution version and corroborates the statement of PW Jagtar Singh. Both witnesses have unequivocally identified the accused and attributed a specific role to him in causing the accident.

14. Further, the documentary evidence on record, including the site plan and the mechanical inspection report, further substantiates the prosecution case. The site plan clearly indicates that the accused had taken the truck onto the wrong side of the road, leading to a head-on collision with the motorcycle of the deceased, who was travelling on the correct side. The mechanical report showing damage to the right side of the truck lends additional corroboration to the manner of the accident. The medical evidence, including the post-mortem report, conclusively establishes that the death of the deceased occurred due to injuries sustained in the said accident. The plea of contributory negligence on the part of the deceased has also been considered and rightly rejected by the learned Appellate Court, as no credible evidence has been led to substantiate the same. On the contrary, the prosecution evidence establishes that the accident occurred solely due to the rash and negligent driving of the accused. In view of the aforesaid, this Court

finds that the Appellate Court has meticulously appreciated the evidence on record and has rightly upheld the conviction recorded by the learned Trial Court. No illegality, perversity, or infirmity is made out in the findings so recorded so as to warrant interference in exercise of revisional jurisdiction. Accordingly, the present revision petition is dismissed.

15. At this stage, learned counsel for the petitioner contends that his prayer only to the sentencing part be considered in view of the following mitigating circumstances:

- a. The incident in question pertains to the year 2011 and a period of more than 15 years has elapsed since the date of the occurrence, thus diluting the immediacy and necessity of continued penal consequences.
- b. The petitioner has faced the rigours and ordeal of a protracted trial spanning nearly 15 years, which, in itself, has caused considerable mental and emotional hardship.
- c. The petitioner has already undergone actual custody of 7 months and 5 days out of the total sentence of 2 years imposed upon him, which constitutes a substantial portion of the sentence.
- a. At the time of conviction, the petitioner was approximately 35 years of age and as of now, he is around 45 years old, placing him at a mature and settled stage of life, where the objectives of reformation and rehabilitation would be better served by adopting a lenient and humane approach in the matter of sentencing.
- d. The petitioner is alleged to have been driving the Truck in a rash and negligent manner, which allegedly resulted in the occurrence of the accident. However, there is no material on record to suggest that the

petitioner had any prior criminal antecedents and there is nothing on record to indicate his involvement in any criminal activity either prior to or subsequent to the present occurrence.

- e. The delay in conclusion of proceedings are not attributable to the petitioner and the long lapse of time coupled with the absence of criminal propensity deserves a reformatory and compassionate approach rather than a purely retributive one.

16. This Court, in CRR-2697-2025 titled ***Lakshay Jain v. State of Punjab & Another***, vide order dated 14.11.2025, has held that sentencing must prioritise a reformatory approach, assessing an offender's background and circumstances rather than adopting a purely punitive stance. Mere involvement in an offence does not, by itself, establish criminality; instead, the totality of circumstances including the manner of the act, antecedents, conduct, and intent must guide sentencing. The law, therefore, distinguishes between errors of judgment and acts driven by deliberate mens rea, recognising that offenders are often capable of reform and should not be presumed beyond rehabilitation. The relevant extract of the aforesaid judgment are as follows:

32. The imposition of punishment is a refined judicial function that demands a careful harmonization of its underlying purposes namely, retribution, deterrence, and reformation. This balance must reflect not only the reasoning of the Court but also the ethical standards and social context in which justice is administered. As societal values and circumstances evolve, the prominence accorded to each of these aims necessarily varies, requiring the Court to adapt its emphasis in

response to the changing demands of justice. The aforesaid principle found early articulation in the writings of Justice Caldwell, who, in his authoritative work “Criminology,” observed that:

“If the infliction of pain is to have its greatest effect upon the behavior of a person, it must follow soon after the act for which it is given. But punishment always takes place weeks or even months after the offense has been committed, since the offender must first be apprehended, tried, and convicted. Such delay tends to disconnect the punishment from the offense in the mind of the offender, and it may well be considered as merely another painful experience in an unjust world.”

33. Moreover, Italian criminologist and jurist Cesare Beccaria, in his seminal treatise “On Crimes and Punishments,” propounded the doctrine of penal parsimony, emphasizing that the justification of any criminal justice system rests upon its capacity to inflict the least possible evil necessary to achieve its ends. The underlying premise is that punishment, being in itself a necessary evil and devoid of inherent virtue, must be confined strictly within the bounds of necessity. The imposition of suffering or restriction upon an offender cannot extend beyond what is indispensable for the preservation of social order.

34. While ‘retributive’ object of sentencing is seen regressive, in modern day sentencing jurisprudence for its focus on punishing proportionally for the harm done and caters to the negative senses of spite and anger against a wrongful act, the rehabilitative/reformative approach examines the circumstances surrounding the offender on social, economical, physical and psychological level so as to

reintegrate the offender in the social mainstream. The law extends the benefit of good and perceives a probability and possibility of reform. It aims at capitalising a perceived social liability. The expectation of law is based on the surrounding circumstances to distinguish between a 'criminal' and an 'offender'.

35. While the pre-requisites of crime do not distinguish two persons, on the legal scale, this aspect is significant for sentencing. A mere involvement of a person in crime may not necessarily mark a person as a 'criminal.' 'Criminality' in mind and action has to be determined from the totality of circumstances including the mode and manner in committing an offence, the conduct pre and post the offence, the criminal antecedents, nature of involvement, influence of peers etc. and not just from an isolatory consideration of commission of an offence. A Court of law would not assume every offender to be beyond reform and differentiate in punishment on considering whether the offences arise due to human error or that stem from actions propelled by mens rea.

17. Having regard to the totality of the circumstances, including the inordinate lapse of more than 15 years since the occurrence, absence of any criminal antecedents coupled with the fact that as against the substantive sentence of 02 years, the petitioner has already undergone a sentence of 07 months and 05 days, I deem it appropriate to partly allow the petition. While maintaining the judgment of conviction, the order of sentence so passed is modified. The sentence awarded by the Judicial Magistrate 1st Class, Sangrur vide judgment dated 24.03.2015, is modified to the period already undergone.

The petition is thus partly allowed.

18. All the pending miscellaneous application(s), if any, are also disposed of.

APRIL 09, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No