



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

**CRR-521-2008 (O&M)
Date of Decision:06.04.2026**

Paramjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Vivek Aggarwal, Advocate and
Ms. Mahima Dogra, Advocate (Legal Aid Counsel)
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 26.02.2008 passed by the Court of Sessions Judge, Mansa and the judgment of conviction and order of sentence dated 21.09.2006 passed by the Court of Judicial Magistrate 1st Class, Mansa, whereby the petitioner was convicted for the commission of offences punishable under Section 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,00/- alongwith default stipulation.

2. The brief facts of the case are that on 25.11.2000, Daya Nand son of Nathu Ram, resident of Ward No.11, Budhlada, got recorded his statement to the Police that he was residing along with his family, in the house adjoining to the house of his maternal uncle Munshi Ram son of Aad Ram. Satpal @ Bhole Nath son of Jagdish Rai, Dhanak, the grandson of Munshi Ram had taken a contract of loading and unloading grains at village Dhaiyai. On that day, the



complainant along with his cousin Rajinder Kumar and Satpal @ Bhole Nath, the sons of his maternal uncle went to village Dhaipai. The accounts of Satpal were got settled with Satpal, Commission Agent. After settling the account, all of them were going on their cycles. Satpal @ Bhole Nath was going ahead of them on his cycle. At around 4.00 / 4.15 p.m., when they crossed Bhikhi, a canter, which was being driven at a very high speed and in negligent manner came from the opposite side and struck against the cycle of Satpal. Satpal got injuries and died at the spot. The canter was also over turned. The complainant and Rajinder Kumar parked their cycles there and went to the driver of the canter. On being asked, the driver disclosed his name as Paramjit @ Bunty, resident of Ambala. The number of the canter was HR-37-5802. When they went to Satpal, the driver fled away. Satpal died due to the negligence of driver Paramjit Singh. The cycle of Satpal was also damaged. Rajinder Kumar took care of the dead body of Satpal and he himself reported the matter to the police. On the statement of the complainant, FIR No. 107 dated 25.11.2000, under Section 304-A of the Indian Penal Code in Police Station, Bhikhi, was registered against the accused.

3. After completion of investigation, challan was presented before the Area Magistrate. The trial Court found that a *prima facie* case under Section 304-A of IPC was made out against the petitioner and he was ordered to be charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Dr. Yashpal Garg, Medical Officer, PW-2 Lal Singh, Photographer, PW-3 Mohinder Pal, Mechanic, PRTC, Budhlada, PW-4, Daya Nand Complainant, PW-5 ASI



Surjit Singh, PW-6 HC Jagdev Singh, PW-7 Rajinder Kumar, eye-witness of the accident and thereafter, the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. In his defence, the petitioner examined DW-1 Balwant Ram in defence and then, he closed his evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any 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 had examined PW-4 Daya Nand and PW-7 Rajinder Kumar, who had witnessed the accident in the present case. Both the witnesses had specifically deposed that Satpal @ Bhole Nath (since deceased) was going on the extreme left side of the road. In the meantime, a canter, which was driven by the petitioner at a very high speed, came from the wrong side of the road and struck the cycle of the deceased.



Thus, from the testimonies of both the witnesses, it is evident that the petitioner was driving the offending vehicle at a very high speed in rash and negligent manner. Apart from that, both these witnesses were consistent with regard to time, place and mode of accident. From their cross-examination, no material discrepancy was brought on record and this Court has no reasons to disbelieve their testimonies. Apart from that, both the Courts have already considered the submissions made by the petitioner and found no illegality therein. Still further, even their testimonies had been fully corroborated by the statement of PW-5 ASI Surjit Singh, who proved on record the investigation in the present case. Still further, PW-1 Dr. Yashpal Garg also proved the injuries sustained by the deceased. Apart from that, the petitioner failed to lead any evidence to establish that he had no connection with the accident or that he was not driving the vehicle at the relevant time. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now advertent to the order on quantum of sentence, this Court is conscious of the fact that the petitioner is facing the prosecution since 25.11.2000 i.e. for the last more than 25 years. Moreover, he has already undergone 02 months and 05 days of actual custody, out of total sentence of one year. Still further, he is the sole bread earner of his family. Even the sentence imposed on the petitioner was suspended by this Court on 12.05.2008 and in the last about 18 years, he has maintained good conduct. Consequently, keeping in view the mitigating circumstances, the sentence imposed on the petitioner is



reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is increased from Rs.5,00/- to Rs.1,00,000/-, which shall be deposited by him before the concerned C.J.M., within a period of 02 months from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of two months as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is increased from Rs.5,00/- to Rs.1,00,000/-, which shall be deposited by him before the concerned Court, within a period of two months from the date of receipt of certified copy of this order. The amount of fine of Rs.1,00,000/- shall be paid by the Chief Judicial Magistrate to the LRs. of the deceased in the present case against receipt and after proper identification of LRs.

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

(N.S.SHEKHAWAT)
JUDGE

06.04.2026
hemlata

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