



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

127

CRR-1455-2024 (O&M)
Date of decision : 20.03.2026

Vijay

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vikas Lochab, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Sections 283, 279, 337 and 304-A of Indian Penal Code, the FIR No.348 dated 29.08.2014 was lodged in Police Station City Bahadurgarh. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioner was sent to face trial before the Court of learned Judicial Magistrate First Class Bahadurgarh, hereinafter being referred to as 'trial Court' only.

2. The petitioner participated in the abovementioned trial, which by virtue of judgment dated 16.01.2023 culminated into his conviction.



Thus, by virtue of order on the quantum of sentence, vide order dated 18.01.2023, the petitioner was awarded following sentences:-

Sr. No.	Under Section	Imprisonment	Fine	In default
1.	279 of IPC	To undergo rigorous imprisonment for a period of six months.	Rs.1000/-	Simple imprisonment for one month
2.	337 of IPC	To undergo rigorous imprisonment for a period of six month.	Rs.500/-	Simple imprisonment for fifteen days
3.	304-A of IPC	To undergo rigorous imprisonment for a period of two years.	Rs.1000/-	Simple imprisonment for one month

All the sentences were ordered to be run concurrently.

3. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Sessions Judge Jhajjar, hereinafter being referred to as ‘Appellate Court’ only. The appeal, preferred by the petitioner, did not find favour before the learned Appellate Court, and the same has been dismissed by virtue of judgment dated 12.07.2024.

4. Feeling aggrieved of the judgment of conviction dated 16.01.2023 and order of sentence dated 18.01.2023, passed by the learned trial Court, and the judgment dated 12.07.2024, passed by the learned



Appellate Court, the present revision petition has been preferred by the petitioner.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Sumit', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was working as a Supervisor in a garment factory at Delhi. According to complainant, he had visited the house of his uncle Somdutt Sharma and after a meal, his cousin Ketan and Naresh proposed to go for a walk in the park in mela ground. As per complainant, while going there, on the way near the house of Bijender Saini, on Main Badli road, an Eco car bearing no HR-12R-1360, being driven in a rash and negligent manner, came from behind and hit to Naresh and Ketan. Thereafter, the same car struck against a truck, bearing registration No.HR-63-9200, which was parked in the middle of the road.

6. It was further alleged by the complainant that due to impact of abovesaid accident, Naresh and Ketan received multiple injuries and Ketan succumbed to injuries sustained in the accident. According to complainant, thereafter, the neighbourer shifted Naresh to the Hospital and in the meantime, the driver of the car fled from the spot leaving behind his car.

7. It is the case of the prosecution that in view of abovementioned complaint the formal FIR of this case was lodged, and the investigation taken up. As per prosecution during the course of investigation when all the necessary formalities, with regard to investigation, were completed and the



entire evidence was collected, the final report under Section 173 of Cr.P.C. was filed before the Court for the trial of petitioner.

8. Heard.

9. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserve to be set aside, being the outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate that necessary ingredients meant for the commission of offence, punishable under Sections 283/279/337/304-A of IPC, were not established by the prosecution, up to the standard required under the law.

10. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty, and that despite the facts that the deficiencies in prosecution case were pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court.

11. However, during the course of arguments, the learned counsel for the petitioner has contended that in the instant revision petition, the petitioner is not inclined to challenge the finding of conviction recorded by the learned trial Court, and duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this



stage, by virtue of present petition, the petitioner is only challenging the order on the quantum of sentence.

12. It has been further contended by learned counsel for the petitioner that the accident in question had taken place way back in the year 2014, and that on completion of trial when the petitioner was convicted, he had preferred an appeal before the learned Appellate Court which was decided in the year 2024, and in the same year the present revision petition was filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last more than 11 years and has, in fact, already suffered more punishment than he deserved.

13. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner has already served a sentence for a period of more than one year and eight months. According to learned counsel for the petitioner, in view of above-discussed factors the sentence already undergone by the petitioner may be treated to be sufficient.

14. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Sections 283/279/337/304-A of IPC. According to learned State Counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of two years, is already on lower side, and that the petitioner is not entitled for a sentence of imprisonment for a period of less than two years. As per learned State Counsel, the instant revision petition has no merit and deserves dismissal.



15. The record has been perused carefully.

16. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court, with regard to conviction of petitioner for the offence under Sections 279/337/304-A of IPC. Accordingly, the abovementioned finding is hereby affirmed.

17. As far as the order on quantum of sentence is concerned, in view of the fact that the petitioner has already served a sentence for a period of almost one year and nine months against the awarded sentence of two years, it is hereby held that the petitioner is entitled for a lenient view. In view of abovementioned observations, the the sentence awarded to the petitioner, i.e. imprisonment for a period of two years, is held to be harsh. Thus, it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

18. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration: -

- (a) that the accident in question had taken place about 11 years ago;
- (b) that the petitioner is facing the agony of protracted trial for the last 11 years; and



(c) that against the awarded sentence of two years, the petitioner has already served sentence for a period of almost one year and nine months.

19. As a cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioner is entitled for a lenient view, and that the sentence, which he has already undergone in the present case, i.e. imprisonment for a period of one year, eight months and twenty one days, is adequate to meet the ends of justice.

20. As a sequel to the aforesaid discussions, the present revision petition is hereby *partly allowed*. The judgment of conviction is hereby upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him.

21. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

20.03.2026
Gaurav Thakur

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