

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRR-2245-2024 (O&M)
Date of decision: 11.05.2026

Baljinder Singh...Petitioner(s)

VERSUS

State of Punjab...Respondent(s)

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

Present :- Ms. Archi Maggo, Advocate for the petitioner(s)
(Legal Aid Counsel).

Ms. Aiman J. Chishti, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant criminal revision petition has been preferred against the judgment of conviction and order of sentence dated 12.07.2017 passed by the Judicial Magistrate 1st Class, Mansa, in case bearing P.CH. No.18 of 29.03.2016 arising out of FIR bearing No. 84 of 28.11.2015 registered under Sections 279, 304-A of the Indian Penal Code, 1860, at Police Station Bhikhi, District Mansa whereby the revisionist-petitioner had been convicted for commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code, 1860 and sentenced as under:-

Under Section	Sentence	Fine	In default of payment of fine
279 I.P.C.	RI for 06 months	- - -	- - -
304-A I.P.C.	RI for 01 year	Rs.1000/-	SI for 01 month.

Both the sentences were ordered to run concurrently.

2. Further, challenge is also to the judgment dated 23.07.2024 passed by the Sessions Judge, Mansa, whereby the appeal preferred by the petitioner against the aforesaid judgment conviction and order of sentence was dismissed.

3. The matter pertains to the year 2024. On the last date of hearing there was no representation on behalf of the petitioner and the position remains unchanged today as well. Ms. Archi Maggo, Advocate (PH/11519/2025 and Mob. No. 79734-68706), who is present in the Court, is nominated as a Legal Aid Counsel to assist this Court on behalf of the petitioner. She has gone through the file and raised arguments.

4. Briefly stated, the facts of the present case are that on 20.11.2015, a telephonic message was received from MHC, Police Station City-1, Mansa informing that Bhim Singh son of Mahi Singh had been admitted in Civil Hospital, Mansa after sustaining injuries in a road accident and requesting that an Investigating Officer be deputed. However, owing to odd hours, the Investigating Officer could not immediately reach the hospital. Thereafter, on 28.11.2015, another telephonic information was received from Janta Singh son of Ajaib Singh to the effect that Bhim Singh had succumbed to his injuries and that his dead body was lying in Civil Hospital, Mansa. Pursuant thereto, ASI Nachhattar Singh along with other police officials reached the hospital, where Gurdeep Singh son of deceased Bhim Singh got his statement recorded. As per the statement of the

complainant, on 19.11.2015 at about 7:00 PM, his father Bhim Singh had gone for a walk after dinner. At that time, accused Baljinder Singh son of Darshan Singh came from the side of Mansa riding motorcycle bearing registration No. PB-31Q-0736 (CT-100) at a high speed and in a rash and negligent manner and struck against Bhim Singh, causing him to fall and sustain injuries on his forehead, chest and hand. It was further alleged that the accused fled away from the spot after the accident. The injured Bhim Singh was initially taken to Civil Hospital, Mansa and was thereafter referred to Postgraduate Institute of Medical Education and Research for further treatment. Though he was discharged after treatment on 24.11.2015, his condition again deteriorated on 27.11.2015 while he was being taken back for treatment, and he succumbed to his injuries near Budhlada. On the aforesaid statement, the present FIR under Sections 279 and 304-A IPC was registered against accused Baljinder Singh. Thereafter, postmortem examination on the dead body of deceased Bhim Singh was conducted and investigation was set into motion.

5. During the course of investigation, the Investigating Officer prepared the site plan of the place of occurrence and recorded the statements of the witnesses under Section 161 Cr.P.C. The accused Baljinder Singh was arrested on 29.11.2015 and the motorcycle involved in the occurrence was taken into police possession. The Investigating Agency also obtained a mechanical inspection report of the motorcycle from Jagtar Singh, Mechanic, PRTC Depot, Budhlada.

6. Upon completion of investigation and other formalities, the final report under Section 173 Cr.P.C. was presented against the accused

before the trial Court for offences punishable under Sections 279 and 304-A of the Indian Penal Code.

7. On appearance, documents were supplied to the accused as per provisions as enshrined under Section 207 Cr.PC.

8. Finding a prima facie case having been made out, the petitioner was charge-sheeted for the commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code, 1860, to which he pleaded not guilty and claimed trial.

9. In order to prove its case, the prosecution examined the following witnesses:

PW1	Gurdeep Singh (complainant).
PW2	Janta Singh.
PW3	Dr. Kushaldeep Kaur.
PW4	Dr. Nitin Sharma (Satyam Diagnosis, Mansa).
PW5	Jagtar Singh (Mechanic).
PW6	ASI Nachhattar Singh (Investigating Officer).
PW7	Gurjit Singh.
PW8	Dr. Chetan Singh (Sr. Resident, Plastic Surgery).

10. Thereafter, learned Addl. Public Prosecutor closed the evidence on behalf of prosecution.

11. After conclusion of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded, wherein all incriminating circumstances appearing against him in the prosecution evidence were put to him. The accused denied the allegations in toto and pleaded innocence. He further stated that he had been falsely implicated in

the present case and asserted that no such accident had ever taken place. He stated that the present case had been falsely instituted by the complainant with an ulterior motive to claim compensation under the proceedings before the Motor Accident Claims Tribunal (MACT). However, no evidence was led by the accused in defence.

12. After hearing the learned APP for the State and learned defence counsel, the trial Court vide judgment of conviction and order of sentence dated 12.07.2017 held the accused guilty of the offences charged against him and imposed the sentence as noticed hereinabove. Aggrieved thereof, the petitioner preferred criminal appeal bearing No.15 dated 04.08.2017 (CIS No. CRA/139/2017), which was dismissed by the Sessions Judge, Mansa, vide judgment dated 23.07.2024 affirming the judgment of conviction and order of sentence dated 12.07.2017 passed by Judicial Magistrate 1st Class, Mansa. Hence, the present petition.

13. Learned Legal Aid Counsel appearing on behalf of the petitioner vehemently contends that the judgments passed by the Courts suffer from patent illegality, material irregularity and misapplication of settled principles governing criminal jurisprudence. It is submitted that both the Courts failed to properly appreciate the evidence available on record and recorded findings based upon conjectures, surmises and presumptions rather than legally admissible and cogent evidence. She submits the prosecution has failed to establish the guilt of the petitioner beyond reasonable doubt and the findings recorded against him are liable to be set aside.

14. Learned counsel further contends that the very foundation of the prosecution case i.e. rashness and negligence attributable to the

petitioner, has not been proved by any reliable or cogent evidence. It is argued that conviction under Sections 279 and 304-A IPC cannot be sustained merely on assumptions arising out of an accident unless there exists clear evidence establishing that the vehicle was being driven in a manner so rash or negligent as to endanger human life.

15. In this regard, learned counsel places reliance upon the testimonies of PW-1 Gurdeep Singh and PW-2 Janta Singh and submits that both the said witnesses have given inconsistent and contradictory versions regarding the manner of occurrence as well as the speed and manner in which the motorcycle was allegedly being driven by the petitioner.

16. It is further contended that the prosecution has failed to produce any independent witness or corroborative evidence establishing that the petitioner was driving the motorcycle in a reckless or dangerous manner. Mere use of expressions such as “high speed” or “rash driving”, without specific evidence demonstrating negligence, would not satisfy the legal ingredients of Sections 279 and 304-A IPC. Learned counsel places reliance upon the judgment of the Hon’ble Supreme Court in State of *Karnataka v. Satish* 1998 8 (SCC) 493 to contend that mere speed by itself cannot constitute rashness or negligence in absence of surrounding circumstances establishing culpable conduct.

17. Learned counsel further lays emphasis upon the unexplained delay in registration of the FIR. It is submitted that the accident took place on 19.11.2015 whereas the FIR came to be registered only on 28.11.2015, after a delay of approximately nine days. She submits that both the Courts below failed to appreciate the serious doubt created by such unexplained

delay. It is submitted that the prolonged delay in setting the criminal law into motion creates a reasonable possibility of deliberation, embellishment and false implication after due consultation and therefore materially affects the authenticity and spontaneity of the prosecution version.

18. It is further contended that the prosecution has also failed to establish a direct and unimpeachable causal connection between the injuries sustained in the accident and the eventual death of deceased Bhim Singh. Learned counsel submits that although PW-3 Dr. Kushaldeep Kaur and PW-8 Dr. Chetan Singh deposed regarding the treatment of the deceased, the medical evidence does not conclusively establish that the death of Bhim Singh occurred solely due to injuries sustained in the alleged accident involving the petitioner.

19. She also contends that the deceased was initially admitted in Civil Hospital, Mansa on 19.11.2015 and was thereafter referred to PGIMER on 20.11.2015 for further treatment. It is further contended that the deceased was discharged from PGI Chandigarh on 24.11.2015 after treatment which itself indicates that the treating doctors were satisfied regarding improvement in his medical condition. She contends that the deceased thereafter expired on 27.11.2015, nearly three days after discharge from the hospital, while being taken again for treatment. Learned counsel contends that the prosecution failed to establish whether any intervening medical complication or independent supervening cause led to the death of the deceased.

20. Learned counsel thus submits that the chain of causation between the accident and the death of Bhim Singh remains incomplete and

doubtful. He places reliance upon the principle that in offences relating to criminal negligence, the prosecution must establish causation with certainty and not merely on probabilities.

21. It is further contended that even the mechanical evidence relied upon by the prosecution is inconclusive and unreliable. Learned counsel submits that PW-5 Jagtar Singh, who conducted the mechanical inspection of the motorcycle, failed to record any specific finding conclusively indicating rashness, negligent operation or any mechanical condition directly connecting the vehicle with the accident. He contends that the mechanical inspection report lacks material particulars and does not inspire confidence.

22. Learned counsel additionally submits that the mechanical report itself was obtained belatedly and such delay further diminishes its evidentiary value. It is submitted that delayed and inconclusive procedural evidence cannot safely form the basis of conviction in a criminal case where the liberty of an individual is at stake.

23. Summing up her submissions, learned counsel contends that the prosecution has miserably failed to prove the guilt of the petitioner beyond reasonable doubt and that both the Courts overlooked glaring omissions, inconsistencies and deficiencies in the prosecution evidence. She contends that suspicion, however strong, cannot take the place of proof has been completely ignored in the present case and that the standard required in a criminal trial is proof beyond reasonable doubt and not mere preponderance of probabilities. Since the prosecution evidence falls substantially short of the threshold required for sustaining conviction under Sections 279 and 304-A IPC, the petitioner is entitled to benefit of doubt and consequently

deserves acquittal.

24. Per contra, learned State counsel has opposed the present revision petition and contends that the judgments passed by both the Courts are based upon proper appreciation of oral as well as documentary evidence available on record and do not suffer from any illegality, perversity or material irregularity warranting interference by this Court in exercise of revisional jurisdiction.

25. Learned State counsel submits that both the trial Court as well as the Appellate Court have concurrently recorded findings of fact holding the petitioner guilty of offences punishable under Sections 279 and 304-A IPC after due appreciation of the entire evidence led by the prosecution. It is submitted that the scope of interference in revision against concurrent findings of conviction is extremely limited and unless the findings recorded are shown to be perverse or wholly contrary to the evidence on record, this Court ought not to substitute its own view merely because another view may also be possible.

26. In response to the contention regarding absence of proof of rashness and negligence, learned State counsel submits that the prosecution has been able to establish beyond reasonable doubt that the petitioner was driving the motorcycle in a rash and negligent manner resulting in the fatal accident. She submits that the testimonies of PW-1 Gurdeep Singh and PW-2 Janta Singh clearly establish that the petitioner was driving the motorcycle at a high speed and in a negligent manner and had struck the deceased Bhim Singh while he was walking in the street and that minor discrepancies or variations in testimony are natural and rather lend credibility to the

prosecution case, particularly when the witnesses were deposing after lapse of time.

27. Learned State counsel further submits that the evidence of related witnesses should not be discarded merely on the ground of relationship if the same otherwise inspires confidence and is found trustworthy. It is submitted that the testimonies of the prosecution witnesses remained consistent on the core aspect of the occurrence i.e. the petitioner struck the deceased while driving the motorcycle rashly and thereafter fled away from the spot.

28. Insofar as reliance placed upon the judgment in State of ***Karnataka v. Satish (supra)*** is concerned, learned State counsel contends that the said judgment does not lay down that high speed can never constitute negligence. Rather, the surrounding facts and attending circumstances have to be considered cumulatively. In the present case, the petitioner not only struck an elderly pedestrian but also fled from the spot immediately after the occurrence, thereby clearly reflecting negligent and reckless conduct.

29. Learned State counsel further contends that the delay in registration of the FIR stands fully explained from the factual circumstances emerging from the record. It is submitted that immediately after the occurrence, the primary concern of the family members was to save the life of injured Bhim Singh, who was initially admitted at Civil Hospital, Mansa and thereafter referred to PGIMER for specialized treatment. The injured remained under treatment and ultimately succumbed to the injuries on 27.11.2015, whereafter the formal statement of the complainant came to be

recorded and the FIR was registered on 28.11.2015.

30. It is thus submitted that the delay in such circumstances is natural, bona fide and sufficiently explained and does not in any manner create doubt regarding the prosecution version. He submits that where the family members are occupied in securing medical treatment of the injured and are under trauma and distress, some delay in approaching the police cannot be treated as fatal to the prosecution case.

31. Responding to the argument regarding absence of medical causation, learned State counsel submits that the prosecution has duly established the nexus between the injuries sustained in the accident and the subsequent death of Bhim Singh. It is contended that the medical evidence led through PW-3 Dr. Kushaldeep Kaur and PW-8 Dr. Chetan Singh clearly establishes that the deceased had sustained injuries in the road accident and remained under continuous treatment till his death. Learned State counsel further submits that merely because the deceased had been discharged from the hospital on 24.11.2015 does not imply complete recovery from the injuries and in the present case the condition of the deceased subsequently deteriorated, necessitating his being taken again for treatment on 27.11.2015 during which he expired. Thus, the mere factum of temporary discharge from hospital cannot by itself sever the causal connection between the accident injuries and the eventual death of the deceased.

32. It is further contended that no evidence whatsoever has been led by the defence to establish existence of any independent intervening cause or supervening event responsible for the death of Bhim Singh. In absence thereof, the Courts rightly concluded that the injuries sustained in the

accident were the direct cause leading to his death.

33. With regard to the mechanical inspection report, learned State counsel submits that the prosecution case does not rest solely upon the mechanical evidence and that the same is merely corroborative in nature. The ocular account of the eyewitnesses coupled with medical evidence sufficiently establishes the occurrence and involvement of the petitioner. It is argued that even assuming some deficiency in the mechanical inspection report, the same would not demolish the otherwise cogent prosecution case proved through reliable eyewitness testimony.

34. Learned State counsel further submits that the defence taken by the petitioner during his statement under Section 313 Cr.P.C., namely that no accident had occurred and that he had been falsely implicated to facilitate a claim before the Motor Accident Claims Tribunal, remained a bald assertion unsupported by any defence evidence whatsoever. The petitioner neither examined any witness nor produced any material to probabalize the defence version put forth by him.

35. Learned State counsel accordingly contends that the prosecution has proved its case beyond reasonable doubt and that both the Courts have rightly appreciated the evidence in its proper perspective. It is thus argued that no ground whatsoever is made out for interference with the concurrent findings of conviction recorded against the petitioner and the present revision petition deserves dismissal.

36. I have heard the counsel for the parties and have gone the judgments rendered by the trial court as well as the appellate court.

37. At the apposite, it is necessary to refer to the relevant findings

in the judgment rendered by the appellate court and the same is as under:

“10. I have heard learned counsel for the appellants, learned Public Prosecutor for the State and with their able assistance, I have carefully gone through the record of the learned trial Court.

11. The following points have been arisen for determination:-

1. Whether the accused while driving motorcycle bearing registration No.PB 31 Q 0736 in area of Fafre Bhai Ke, in a rash and negligent manner, caused death of Bhim Singh and thereby committed offences under Section 304 A and 279 IPC?

2. Whether the prosecution has proved the guilt of the accused beyond shadow of reasonable doubt?.

Points No 1 and 2.

12. Both the points of determination being interwoven are taken up together, so as to avoid repetition and discussion of evidence.

13. Learned counsel for the appellant has vehemently argued that learned trial court has fallen in a grave error by convicting the appellant. It has not been established that it was the accused who was driving the motorcycle and Bhim Singh having died on account of the accident. As per prosecution version, Bhim Singh father of the complainant, who met with an accident was firstly taken to Civil Hospital Mansa from where

he was referred to PGI, Chandigarh. He was discharged on 24.11.2015 and as per the complainant's version, who has appeared as PW1 as health of Bhim Singh again deteriorated and he was again taken to PGI, though, on the way to PGI, at Budhlada, his father has died. There is no evidence to prove that the death was on account of the said accident which has otherwise has not been established to have been caused by the accused. He has urged that as per the complainant, accident took place on dated 19.11.2015 but the FIR had been lodged on 28.11.2015. FIR has been lodged on the basis of telephonic call received from Janta Singh.

14. Learned counsel has further argued that there is no evidence on the file to substantiate that ownership of the motorcycle with which, as per prosecution, accident took place was that of accused. Besides that it has also not been established that Bhim Singh had died because of the injuries if any sustained in the accident. The complainant has stepped into witness box as PW1. In his cross-examination it has specifically come that after his father having been discharged from PGI on 24.11.2015, his father has stayed with his sister at Mansa. He has further deposed that they were taking his father to PGI at their own level without their being reference from any Medical Officer. It has also come in his testimony that his father was discharged from PGI as per the satisfaction of the doctors. PW2 Janta Singh who is son-in-law of Bhim Singh deceased.

He has deposed in the cross-examination that they had gone to PGI in an ambulance and they came to know about death of Bhim Singh at about 12 noon. There is no evidence on the file with regard to Bhim Singh having been initially treated regarding the injuries which as per the complainant, were sustained in the accident. Appeal be allowed and impugned order be set aside. Appellant be acquitted of the offence under Section 279, 304 A IPC.

15. On the other hand, learned Public Prosecutor has hotly opposed the contentions and has argued that learned trial court has rightly convicted the appellant and sentenced qua the offence under Sections 304A, 279 IPC. The complainant has categorically stated while appeared as PW1 that on 19.11.2015 at about 7:00PM his father Bhim Singh after having his meal had gone for walk in the street and he was standing on the corner of the street. It was Baljinder Singh son of Darshan Singh who came on motorcycle bearing No.PB 31 Q 0736, CT 100 of black colour. The motorcycle was driven in a rash and negligent manner. It came from the side of Mansa and hit into his father Bhim Singh. He has further deposed that Baljinder Singh after accident fled away on his motorcycle. Due to the accident, his father fell down and sustained injuries on head, legs, hands and chest. It was he, who had called Swaranjit Singh son of Bollu, who brought the vehicle and then they took his father to Civil Hospital Mansa. As the condition of his

father was serious, his father was referred on dated 20.11.2015 to PGI Chandigarh for treatment. His father was discharged on 24.11.2015. He was kept at house with his sister at Mansa. On 27.11.2015 the condition of his father again became serious. They were taking his father to Chandigarh but on the way his father had expired. He has proved his statement Ex.PA. He has identified the accused.

16. Learned Public Prosecutor has further argued that PW3 Dr. Kushaldeep Kaur, Medical Officer has proved the postmortem report qua the postmortem conducted on the dead body of Bhim Singh son of Mahi Singh. Postmortem report has been proved as Ex.PW3/B, Pictorial diagram as Ex.PW3/C and computerized copy of PMR as Ex.PW3/D. She has opined that cause of death in the present case was due to injury No.1, which was sufficient to cause death in ordinary course of nature. All the injuries were ante mortem in nature. PW4 Dr Nitin Sharma has proved his affidavit as Ex.PW4/A and NCCT head report as Ex.PW4/B. PW5 Jagtar Singh Fitter Mechanic has proved the mechanical test report Ex.PW5/B. The application moved by ASI Nachhatter Singh, which was marked to him by Incharge Angrej Singh vide endorsement Ex.PW5/A. He has conducted mechanical examination of motorcycle bearing No. PB 31 Q 0736 and has proved the detailed report Ex.PW5/B.

17. Learned Public Prosecutor has further argued that PW6

ASI Nachhattar Singh Investigating Officer has categorically stated that on 28.11.2015 he was posted at police station Bhikhi being Investigating Officer. On that day, he received a telephonic call from SHO, police station City I Mansa, as to Bhim Singh son of Mahi Singh having died and that dead body was lying in Civil Hospital, Mansa. He alongwith other police officials had gone to Civil Hospital, Mansa over there Gurdeep Singh got recorded his statement Ex.PA. He proved his attestation as Ex.PW6/C, police proceedings as Ex.PW6/B and FIR as Ex.PW6/C. He has proved inquest report as Ex.PW6/D. Application was moved to the SMO, Civil Hospital Mansa for conducting postmortem examination on dead body of deceased as Ex.PW6/E, which was marked to Dr. Kushaldeep Kaur. He has proved the site plan Ex.PW6/F. It has further come in the testimony of Investigating Officer that on 29.11.2015, Amrik Singh son of Pargat Singh produced accused Baljinder Singh alongwith motorcycle. Motorcycle was taken into possession vide memo Ex.PW6/G. The arrest of the accused was effected vide memo Ex.PW6/H. His personal search memo has been proved as Ex.PW6/J. The Investigating Officer got the mechanical examination conducted of the motorcycle from Jagtar Singh Fitter. It was on dated 14.03.2016, application was moved for seeking verification of ownership of motorcycle Ex.PW6/K. Case property has been proved as MO-1 i.e. motorcycle. He has identified the accused.

18. *Learned Public Prosecutor has further argued that PW7 Constable Gurjeet Singh who has accompanied the Investigating Officer has deposed on the similar lines. He has categorically stated that of receiving the wireless message, ASI Nachhattar Singh reached at Civil Hospital Mansa as the dead body of Bhim Singh was lying in the hospital. Statement was recorded of Gurdeep Singh son of Bhim Singh. Ruqa was sent for the lodging of FIR through C. Gurcharan Singh. Papers were handed over to him for getting the postmortem examination conducted on the dead body. He has proved the receipt Ex.PW8/A vide which the dead body was handed over to family members. His statement was recorded. Dr. Chetan, Sr. Resident, Plastic Surgery while appearing as PW8 has produced the case history of Bhim Singh, who was admitted on 20.11.2015. Nature of injuries were opined to be grievous of alleged road side accident with head injury. Medical history has been proved as Ex.PW8/A. Thus, it has been duly established that the accused was driving the offending motorcycle in a rash and negligent manner and had hit the motorcycle into Bhim Singh. As a result of which, Bhim Singh sustained injuries. Finally, he died while he was being taken to PGI, Chandigarh, as his condition had deteriorated. The appeal be dismissed.*

19. *After giving my thoughtful consideration to the rival contentions, and on careful perusal of record of learned trial*

court, coupled with due assistance rendered, the court does not find any merit in the submissions put forth by counsel for appellant. The appellant being aggrieved with the judgment of conviction and order of sentence passed by the then learned Judicial Magistrate Ist Class, Mansa has preferred the present appeal. It is apt to make mention that the complainant Gurdeep Singh while stepped into witness box as PW1 has categorically stated that on dated 19.11.2015, at about 7:00PM, his father Bhim Singh after having his meal had gone for a walk in the street. He (complainant) was standing at the corner of the street, then appellant Baljinder Singh came on motorcycle bearing No.PB 31 Q 0736, CT 100, which was of black colour. The complainant has deposed in clear terms that the motorcycle was driven in a rash and negligent manner and it had hit into his father Bhim Singh. On account of the accident his father fell down and sustained injuries on head and other parts of his body. He had called Swaranjit Singh, who brought the vehicle and they took his father to Civil Hospital Mansa.

20. It is further pertinent to make mention that the complainant has categorically stated that as the condition of his father Bhim Singh was serious, his father was referred to PGI Chandigarh on dated 20.11.2015. It has further come in his testimony that his father was discharged on 24.11.2015 and they kept him at house with his sister at Mansa. But, again on 27.11.2015, as the condition of his father was become serious,

they took his father to Chandigarh, who had died on the way. He has proved his statement Ex.PA and has identified the accused.

21. It is further worth make mention that PW3 Dr. Kushaldeep Kaur has proved the postmortem report Ex.PW3/B, which was conducted on the dead body of Bhim Singh. Pictorial diagram showing the seats of injuries has been proved as Ex.PW3/C and computerized copy of PMR as Ex.PW3/D. The doctor has specifically opined that cause of death in the present case was due to injury No.1, which was sufficient to cause death in ordinary course of nature and further that all the injuries were ante mortem in nature. The testimony of PW4 Dr Nitin Sharma further establishes as to his having proved his affidavit as Ex.PW4/A and NCCT head report as Ex.PW4/B. Mechanical test report Ex.PW5/B has been proved regarding the testing of the motorcycle by PW5 Jagtar Singh Fitter Mechanic.

22. It is further apt to make mention that ASI Nachhattar Singh PW6 has deposed as to his having received telephonic call from SHO PS City-1 Mansa as to Bhim Singh having died and that his body was lying in Civil Hospital, Mansa. He alongwith other police officials had gone to Civil Hospital, Mansa over where Gurdeep Singh got recorded his statement Ex.PA, which was attested by him and attestation thereof has been proved as Ex.PW6/C. Police proceedings have been

proved as Ex.PW6/B. He had sent C. Gurcharan Singh for lodging of FIR. FIR Ex.PW6/C was lodged by ASI Sukhpal Singh. The investigating Officer has further proved inquest report as Ex.PW6/D. An application was moved to the SMO, Civil Hospital Mansa for conducting postmortem examination on dead body of deceased as Ex.PW6/E, which was marked to Dr. Kushaldeep Kaur. He has proved the site plan Ex.PW6/F. He has further deposed that on 29.11.2015, Amrik Singh son of Pargat Singh produced accused Baljinder Singh alongwith motorcycle. Motorcycle was taken into possession vide memo Ex.PW6/G. Arrest memo of the accused has been proved as Ex.PW6/H and his personal search memo as Ex.PW6/J. Case property i.e. motorcycle has been proved as MO-1.

23. It is further worth making mention that PW7 Constable Gurjeet Singh who had accompanied the Investigating Officer has deposed on the same analogy as stated by the Investigating Officer. He has deposed as to the complainant having got recorded his statement. Papers were handed over to him for getting the postmortem examination conducted on the dead body of deceased Bhim Singh. He has proved the receipt Ex.PW8/A, vide which the dead body was handed over to family members. PW-8 Dr. Chetan, Sr. Resident, Plastic Surgery has produced the record qua the history of patient Bhim Singh, who was admitted on 20.11.2015. Nature of injuries were opined to be grievous, and it has been shown as to it being a road side

accident, with head injury. Medical history has been proved as Ex.PW8/A.

24. The arguments put forth by learned counsel for appellant as to prosecution having failed to establish the factum as to Bhim Singh having died on account of injuries sustained by him in an accident caused due to rash and negligent driving of motorcycle driven by appellant are devoid of any merits. The complainant Gurdeep Singh while appearing as PW1 has categorically stated that the motorcycle was being driven in a rash and negligent manner by the appellant, who belongs to his village. He has identified the accused. It has specifically come in his testimony that on account of accident his father fell down and sustained injuries. Bhim Singh on account of his condition being serious was referred to PGI, Chandigarh and was discharged on 24.11.2015. It has specifically come in the testimony of complainant, who has appeared as PW1 has deposed that the condition of his father Bhim Singh had again deteriorated, and while they were taking him to PGI, he had died on the way. The testimony of the doctor coupled with the postmortem report, it substantiate that the injury, which was on the head of Bhim Singh was sufficient to cause death in ordinary course of nature. In the testimony of PW2 Janta Singh it has further come that his father in law Bhim Singh had gone for a walk after dinner. He (PW2) was standing at the corner of the street, then appellant Baljinder Singh came on a motorcycle

from the side of Mansa and had hit the motorcycle into his father-in-law. His father-in-law sustained injuries on the head and other parts of his body. Thus both the witnesses i.e. PW1 and PW2 have clearly deposed as to the accident having been caused due to rash and negligent driving of the motorcycle by Baljinder Singh appellant-accused. Bhim Singh sustained injuries in the said accident and finally he died, while he was being taken to PGI, on account of his health having deteriorated.

25. Thus, the arguments put forth by learned counsel for appellant do not inspire the confidence. Accordingly, both the points of determination are hereby decided in favour of prosecution and against the appellant-accused.

26. As a sequel of my findings on the above points of determination and having independently evaluated the evidence, the Court does not find any merit in the appeal filed by appellant. The impugned judgment of conviction and order of sentence passed by learned trial Court are hereby affirmed. The appeal is accordingly dismissed. Conviction/ custody warrants of appellant-accused be prepared for execution of the remaining sentence awarded by learned trial Court. Record of the learned trial Court be returned along with the copy of this judgment and appeal file be consigned to the record room.”

38. A perusal of the above judgment reflects that the Sessions Judge undertook a detailed reappraisal of the entire oral as well as

documentary evidence available on record before affirming the findings recorded by the trial Court.

39. The Appellate Court examined the defence projected by the petitioner that it had not been established that the petitioner was driving the motorcycle in question or that the death of Bhim Singh was attributable to the injuries sustained in the accident. The Appellate Court also examined the contention regarding delay in registration of the FIR and the absence of nexus between the injuries and the death of the deceased.

40. Upon appreciation of the evidence, the Appellate Court rightly observed and re-affirmed that complainant Gurdeep Singh, while appearing as PW-1, had categorically deposed that on 19.11.2015 at about 7:00 PM, the petitioner Baljinder Singh came riding motorcycle bearing registration No. PB-31-Q-0736 in a rash and negligent manner and struck against his father Bhim Singh, who fell down and sustained injuries on his head and other parts of the body. The Appellate Court further noticed that the witness specifically identified the petitioner in Court and consistently supported the prosecution version regarding the manner of occurrence.

41. The Appellate Court further rightly relied upon the testimony of PW-2 Janta Singh, who also corroborated the occurrence and specifically deposed that the petitioner had hit the motorcycle against deceased Bhim Singh while driving rashly and negligently. The consistent testimonies of PW-1 and PW-2 were found trustworthy and reliable by the Appellate Court and no material contradiction was noticed so as to discredit their version.

42. It was also rightly observed that the medical evidence fully corroborated the ocular account of the prosecution witnesses and reliance

was correctly placed upon the testimony of PW-3 Dr. Kushaldeep Kaur, who proved the postmortem report Ex.PW3/B and specifically opined that the cause of death was injury No.1, which was sufficient to cause death in the ordinary course of nature and that all injuries were ante mortem in nature. The Appellate Court also rightly noticed the testimony of PW-8 Dr. Chetan Singh, who proved the medical history and treatment record of deceased Bhim Singh and opined that the injuries were grievous in nature arising out of a road side accident involving head injury.

43. The Appellate Court further rightly rejected the contention raised on behalf of the petitioner that the discharge of the deceased from PGIMER on 24.11.2015 severed the causal connection between the accident and the eventual death. It was correctly observed that the evidence on record established that the condition of Bhim Singh had again deteriorated on 27.11.2015 while he was being taken for further treatment and that he ultimately succumbed on the way. The Appellate Court also rightly concluded that the medical evidence coupled with the ocular version sufficiently established that the death occurred due to injuries sustained in the accident.

44. This Court further notices that the Appellate Court also rightly considered the evidence of PW-5 Jagtar Singh regarding the mechanical inspection report as well as the testimony of PW-6 ASI Nachhattar Singh and PW-7 Constable Gurjeet Singh concerning the investigation conducted in the matter, preparation of site plan, seizure of motorcycle and other procedural aspects of investigation.

45. This the Appellate Court, after independently evaluating the

evidence on record, held that the prosecution had succeeded in proving that the petitioner was driving the offending motorcycle in a rash and negligent manner and that the injuries caused in the said accident ultimately resulted in the death of Bhim Singh. The findings so recorded are based upon proper appreciation of evidence and do not suffer from perversity, illegality or misreading of record.

46. This Court is conscious that in revision petitions, the scope of interference against concurrent findings of fact recorded by both the Courts below is extremely limited. Unless the findings are shown to be wholly perverse, arbitrary or contrary to the evidence on record, revisional interference is not warranted.

47. In the present case, both the trial Court as well as the Appellate Court have concurrently held the petitioner guilty after due appreciation of ocular, medical and documentary evidence. This Court does not find any patent illegality, jurisdictional error or material irregularity in the findings so recorded.

48. Consequently, this Court is of the opinion that the Appellate Court rightly affirmed the judgment of conviction and order of sentence passed by the trial Court and no ground for interference is made out in the present revision petition.

49. Accordingly, finding no merit therein, the present revision petition stands dismissed.

50. At this stage, legal aid counsel for the petitioner submits that a lenient view be taken against the petitioner upon the quantum of sentence. She further submits that compensation of Rs.25,00,000/- has already been

awarded by the Motor Accident Claims Tribunal in favour of the claimant(s). Learned counsel additionally submits that the sentence of the petitioner stands suspended in terms of the order dated 13.02.2025 passed by this Court. The following mitigating circumstances are pointed by the counsel for the petitioner:

- a. The occurrence in question pertains to the year 2015 and more than one decade have elapsed since then, during which the petitioner has undergone the rigours of investigation, trial and prolonged litigation, thereby suffering substantial mental and social hardship.
- b. The incident arose out of a motor vehicular accident and does not disclose any element of premeditation or deliberate intent, the act being attributable to negligence rather than any culpable or malicious design.
- c. Compensation has already been awarded in favour of the claimants, thereby addressing, to a considerable extent, the aspect of restitution and mitigating the consequences of the occurrence.
- d. At the time when the remaining sentence came to be suspended vide order dated 13.02.2025, the petitioner had already undergone an actual custody of 07 months out of total sentence of 01 years.
- e. The considerable lapse of time, spanning more than 10 years, warrants a compassionate and reformatory approach in sentencing, particularly when the petitioner

has had the opportunity to reflect upon the consequences of the incident and reintegrate into society.

- f. There is nothing on record to indicate that the petitioner has any prior criminal antecedents or that he is a habitual offender, thereby suggesting that the occurrence was an isolated aberration rather than indicative of any continuing criminal propensity.
- g. The protracted nature of the proceedings, coupled with the attendant stigma, anxiety and disruption to the petitioner's personal and social life, constitute significant mitigating circumstances warranting a lenient view.
- h. The petitioner has remained on bail during the pendency of proceedings and there is nothing to suggest misuse of the concession of bail or any attempt to evade the process of law.
- i. The petitioner is stated to have maintained a clean record during the intervening period and has been a law-abiding citizen, thereby reinforcing the plea that further incarceration would not serve any meaningful purpose.

51. Per contra, learned State counsel submits that both the Courts have rightly appreciated the evidence led on record and have concurrently recorded a finding of conviction against the petitioner. It is contended that such concurrent findings, based on proper evaluation of evidence, carry a presumption of correctness. Learned counsel further submits that the scope of revisional jurisdiction is limited and does not extend to re-appreciation of

evidence or to permitting the petitioner to set up a new line of defence. Interference is warranted only where there is a manifest illegality, material irregularity or perversity in the findings recorded by the Courts below. It is contended that the petitioner has failed to point out any such infirmity in the impugned judgments. There is no allegation, much less any demonstration, of misreading of evidence or non-consideration of material facts. Thus, in the absence of any such jurisdictional error no case is made out for interference and consequently, there is no occasion to upset the findings of conviction or the sentence awarded and affirmed by the Courts below.

52. In view of the facts and circumstances noticed hereinabove, and in light of the submission made on behalf of the petitioner, no ground is made out for interference with the concurrent findings of conviction recorded by the Courts. Accordingly, the present petition, to the extent it assails the judgment of conviction and order of sentence dated 12.07.2017 passed by the Judicial Magistrate 1st Class, Mansa, as affirmed by the Sessions Judge, Mansa vide judgment dated 23.07.2024, stands dismissed. Thus, the scope of adjudication in the present proceedings stands confined solely to the question of quantum of sentence.

53. 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."*

54. Having heard learned counsel for the parties and upon consideration of the facts and circumstances of the present case, this Court is of the view that although the conviction of the petitioner does not call for interference in exercise of revisional jurisdiction, however, the question relating to quantum of sentence deserves reconsideration in light of the mitigating circumstances emerging from the record.

55. It is evident that the occurrence in question arose out of an incident of rash and negligent driving and does not involve any element of premeditation, intentional violence or deliberate criminality. The offence,

though serious in its consequences, arose out of negligence and not out of any intentional or motivated act directed towards causing death or bodily harm. The distinction between a deliberate criminal act and an act arising out of negligence assumes significance while determining the appropriate sentence to be imposed. This Court further notices that the occurrence pertains to the year 2015 and more than a decade has elapsed since the initiation of criminal proceedings against the petitioner. During this prolonged period, the petitioner has faced the ordeal of criminal prosecution, investigation, trial, appeal and revision proceedings, which by itself constitutes a substantial punitive circumstance. The mental agony, social stigma, financial burden and uncertainty attendant upon protracted criminal litigation for such a long duration cannot be ignored while balancing the question of sentence.

56. It is also not disputed before this Court that compensation has already been awarded to the legal heirs/claimants of the deceased in appropriate proceedings, thereby substantially addressing the aspect of restitution and financial recompense arising out of the unfortunate occurrence. This Court further notices that at the time when the sentence of the petitioner was suspended, he had already undergone actual custody of seven months. There is nothing on record to suggest that the petitioner misused the concession of suspension of sentence granted to him or that he attempted to evade the process of law during pendency of the proceedings.

57. Significantly, no material has been brought on record by the prosecution to indicate that the petitioner is a habitual offender or that he possesses any criminal antecedents. The present occurrence appears to be an

isolated incident and not reflective of any continuing criminal propensity. The conduct of the petitioner during the long pendency of proceedings also does not disclose involvement in any subsequent criminal activity.

58. The object of sentencing is not merely punitive but also reformatory. Where the offender demonstrates reformation, continued incarceration after prolonged passage of time may not necessarily advance the ends of justice. The petitioner has already suffered the consequences of criminal prosecution for a substantial part of his life and the circumstances noticed hereinabove persuade this Court to take a lenient view on the question of sentence while maintaining the conviction recorded against him.

59. In view of the aforesaid cumulative circumstances, this Court is satisfied that adequate and compelling mitigating factors exist which justify interference with the quantum of sentence. The peculiar facts and circumstances of the present case, as noticed hereinabove, warrant a modification of the sentence in order to meet the ends of justice.

60. Accordingly, in view of the discussion hereinabove, the present petition is partly allowed. While the judgment of conviction is maintained, the order of sentence is modified. Consequently, the sentence awarded to the petitioner under Sections 279 and 304-A of the Indian Penal Code, 1860, by the learned Judicial Magistrate 1st Class, Mansa vide order dated 12.07.2017, as affirmed by the learned Additional Sessions Judge, Karnal, vide judgment dated 23.07.2024, is modified and reduced to the period already undergone by him.

61. The petitioner, if in custody and not required in any other case, shall be released forthwith, in accordance with law.

62. The petition is accordingly *partly allowed*.
63. A copy of this order be sent to the High Court Legal Services Committee for information and necessary action.

11.05.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)
JUDGE