



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-2773-2025 (O&M)
Date of decision: 16.04.2026

ASHWANI KUMARPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Shubham Thakur, Advocate,
for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Petitioner has filed the instant revision petition to impugn the judgment dated 01.08.2025 passed by learned Additional Sessions Judge, Rupnagar, and judgment dated 17.09.2021 passed by learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, in case, FIR No.32 dated 02.03.2015, under Sections 279, 337, 338, 427, 304-A IPC, registered at Police Station Sri Anandpur Sahib, whereby petitioner was held guilty and sentenced the petitioner as under:-

Offence(s)	Period of sentence(s)	Fine imposed	In default of payment of fine
279 of IPC	RI for 6 months	Rs.500/-	RI for seven days
304-A of IPC	RI for one year	Rs.1,000/-	RI for one month
338 IPC	RI for one year	---	---
427 IPC	RI for 06 months	Rs.500/-	RI for seven days

2. Briefly put the facts of the prosecution case are that on 02.03.2015, a medical ruqa was received in the Police Station regarding admission of injured Sudarshan Singh in Civil Hospital, Sri Anandpur Sahib and regarding reference of injured Harjot Singh to PGI,



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Chandigarh. A message was also received regarding death of injured Harjot Singh at PGI, Chandigarh. Thereafter, ASI Roshan Lal Investigating Officer (PW5), along with police party went to Civil Hospital, Sri Anandpur Sahib for recording statement of injured Sudarshan Singh. The injured was declared fit by the concerned doctor to make the statement. Thereafter, injured Sudarshan Singh complainant (PW1) got recorded his statement to the effect that on 01.03.2015, he along with Harjot Singh son of Gurbachan Singh, resident of Mohalla Fatehgarh Sahib, Sri Anandpur Sahib were going to Kiratpur Sahib from Sri Anandpur Sahib on motorcycle bearing registration No.PB-08-BB-8878. The motorcycle was driven by Harjot Singh and he was pillion rider. At about 9.00 P.M. when they reached near Kotla crossing then a tempo came from the side of Sri Anandpur Sahib which was being driven by its driver in a rash and negligent manner and without giving the indicator, the driver of the tempo suddenly turned the same towards link road Kotla Power House and hit the same in their motorcycle. He and Harjot Singh fell down on the road along with their motorcycle. He received injuries on the right leg whereas Harjot Singh received injuries on his head. The motorcycle was also damaged. The tempo driver stopped and came towards them. He noted the number of tempo as HP-12F-7283. He came to know the name of tempo driver as Sunny son of Bhag Singh, resident of Nawan Gram, Police Station Nalagarh, District Solan (H.P.). In the meantime, passer-byes gathered at the spot. The tempo driver fled away from the spot along with his tempo. They were shifted to Civil Hospital, Sri Anandpur Sahib from where Harjot Singh was referred to PGI, Chandigarh where he succumbed to injuries. On the basis of his statement, present FIR was



registered. During investigation, site plan of place of occurrence was prepared. Accidental motorcycle was taken into police possession vide separate recovery memo. Death summary of deceased and ruqa was obtained from Police Post, PGI, Chandigarh. Statement of witnesses under Section 175 Cr.P.C. were recorded. The dead body of deceased Harjot Singh was referred to Sri Anandpur Sahib for conducting postmortem. Postmortem on the dead body was got conducted from Civil Hospital, Sri Anandpur. After postmortem examination on the dead body of deceased, the same was handed over to its legal heirs for cremation. On 27.03.2015, Surinder Singh son of Bhagat Singh, resident of village Kalyanpur, Police Station Kiratpur Sahib produced petitioner-Ashwani Kumar before the police. Petitioner was arrested. His arrest-cum-intimation memo and personal search memo were prepared. Thereafter, the accused was released on bail. Offending vehicle along with its documents was taken into police possession vide separate recovery memo. Mechanical reports of accidental motorcycle and offending vehicle were taken into police possession, vide separate recovery memo. On 07.04.2015, medical record of injured Sudarshan Singh was obtained and due to grievous injuries on the person of Sudarshan Singh, offence under Section 338 IPC was added. Statements of witnesses were recorded and on completion of investigation, challan was presented against the petitioner.

3. Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 2015 and the petitioner



has thus, suffered the agony of protracted trial for about 10 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period already undergone, as the petitioner has undergone period of sentence of more than 10 months and no useful purpose would be served by sending him behind bars again after such long period.

As per the custody certificate filed by learned State counsel today in the Court, petitioner has undergone a total sentence of 10 months and 11 days and is not shown to be involved in any other criminal activity.

4. In the facts and circumstances, this Court does not deem it appropriate to send the petitioner behind bars at this juncture when admittedly he is fastened with many familial responsibilities. It cannot be overlooked that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs. Forgiveness would ensure a better remedy than imprisonment, especially in cases like the one in hand where the accident in question could not be said to have been an intentional act.

On the issue of reformatory theory in context to any wrong doer, His Lordship V.R. Krishna Iyer, J., of Hon'ble Apex Court, in case titled as Mohammad Giasuddin v. State of Andhra Pradesh, (1977)



3 SCC 287, has observed as under:-

“5. If every saint has a past, every sinner has a future, and it is the role of law to remind both of this. The Indian legal genius of old has made a healthy contribution to the word treasury of criminology. The drawback of our criminal process is that often they are built on the bricks of impressionist opinions and dated values. Ignoring empirical studies and deeper researches.” (emphasis added)

Hon'ble Supreme Court in '***Ved Prakash vs. State of Haryana***', 1981(1) SCC 447 has also observed that *“it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant.”* It was further observed by the Apex Court “even if the Bar does not help, the Bench must fulfill the humanizing mission of sentencing implicit in such enactments as the Probation of Offenders Act.

Further, Hon'ble Supreme Court in ***Manjappa vs. State of Karnataka***, 2007(3) RCR (Crl.) 216 while considering the scope of Section 361 Cr.PC and the provisions of Probation of Offenders Act held that such a relief should be granted where the offence was not of very grave nature and in some cases where *mens rea* was absent as in cases of rash and negligent driving under Section 279 r/w Section 304-A IPC.

Hon'ble Supreme Court in ***State through CBI Anti Corruption Branch, Chandigarh vs. Sanjiv Bhalla and another*** (Crl. Appeal No.1338-1339/2014) decided on 04.07.2014 while referring to *Manjappa's case* (supra) observed that the Court desired to convey that



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an offence punishable under Section 279/304-A IPC being a result of an accident was, therefore, not a grave as there was an absence of mens rea.

5. Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner, his substantive sentence of 01 year is reduced to the period already undergone by him in the present case. However, there is no modification with regard to fine imposed.

6. With the aforesaid modifications, the instant revision petition is disposed of.

16.04.2026

Lavisha

**(SANJAY VASHISTH)
JUDGE**

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