



**CRR-843-2011 (O&M) 1**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**  
**CHANDIGARH**

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**CRR-843-2011 (O&M)**  
**Date of Decision: 21.05.2025**

**Bhola Singh****...Petitioner***Versus***State of Punjab****... Respondent****CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.**

Present: Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

**H.S. GREWAL, J. (ORAL)**

1. The present revision petition has been filed against the impugned judgment dated 09.09.2008 and order of sentence dated 09.9.2008 passed by Ld. Additional Chief Judicial Magistrate, Sangrur vide which the petitioner has been convicted under section 304-A IPC and sentenced to undergo RI for two years and fine of Rs.5000/- and in default of payment of fine further R.I. for 3 months and also the judgment dated 10.01.2011 passed by learned Session Judge, Sangrur vide which appeal filed by the petitioner has been dismissed.

2. The case of the prosecution is that on 17.10.2003 complainant Mahinder Pal Singh, Managing Director of Punjab Transformers & Electronics Limited was travelling in his Accent car bearing registration no. PB-13-J-6549 which was being driven by Harjinder Singh. In another car, make Maruti Alto, bearing registration no. PB-13-K-2449, Shiv Kumar Delvi, Dila Ram Verma and Sanjay Kumar were travelling. The Alto car was going ahead of the car of the complainant. At about 10.30 P.M. when it reached a point ahead of Pepsi Foods Channo, near canal minor bridge, a Tata-407 tempo bearing registration no. RJ-31-G-0069 being driven in a rash



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and negligent manner came from Bhawanigarh side and hit the Alto car. As an impact of the knock, all the three occupants of the car received multiple grievous injuries. Shiv Parshad Delvi died instantaneously while Dila Ram Verma and Sanjay Kumar died on way to Rajindra Hospital. Driver of the tempo escaped from the spot. The Alto car was badly damaged. Complainant Mahinder Pal Singh left Harjinder Singh to take care of the dead bodies and left for the Police Station to lodge a report and after investigation a formal FIR was registered. Pursuant thereto, judgment dated 09.09.2008 was passed by the learned Additional Chief Judicial Magistrate, Sangrur whereby the petitioner was convicted under Section 304-A IPC and was sentenced to undergo 2 years of imprisonment with a fine of Rs.5,000/- and in default thereof imprisonment for 3 months. The petitioner thereafter filed appeal against the judgment of conviction and order of sentence dated 09.09.2008 but the same was dismissed by the learned Appellate Court vide order dated 10.01.2011.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment dated 10.01.2011 upholding the conviction and order of sentence dated 09.09.2008 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone a period of 4 months and 3 days out of total sentence of 2 years. He further prays that since the FIR in question pertains to the year 2003, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of custody certificate dated 15.05.2011 so attached with the case file and submits that the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available



on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The petitioner has been convicted for rash and negligent driving of tempo and has caused the death of the three persons, for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2003 and the petitioner has already faced the rigors of the trial for more than 20 years.

7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judges Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP*, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and

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conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. Since there is no minimum punishment prescribed under Section 304-A IPC and keeping in view the fact the FIR is of the year 2003 and the petitioner has faced the rigors of trial for a period of more than 20 years and therefore, while taking a lenient view, this Court is of the opinion that it would be in the interest of justice if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. In view of above, the present appeal is **disposed of** by upholding the judgment dated 10.01.2011 passed by the learned appellate Court, however the sentence dated 09.09.2008 is modified to the extent that the sentence of imprisonment for a period of 2 years imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the amount of fine by way of compensation is increased to that of Rs.10,000/- over and above already deposited fine.

**(H.S. GREWAL)**  
**JUDGE**

**21.05.2024*****anil***

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