

2025:PHHC:124698



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

209

CRR-1712-2008 (O&M)

Date of decision: September 11, 2025

SOHAN LAL @ SONU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Rahul Yadav, Advocate (*Amicus Curiae*)  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant revision petition has been preferred against the judgment of conviction/order of sentence dated 05.05.2007 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Nakodar, in FIR No.74 dated 28.04.1999 under Sections 279/337/338/304-A of the Indian Penal Code, 1860, registered at Police Station Shahkot, convicting and sentencing the petitioner, which judgment was upheld by the learned Additional Sessions Judge, Jalandhar, on 09.07.2008.

2. The petitioner was sentenced to undergo imprisonment as under:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
279 of the IPC	RI for 06 months	-	-
304-A of the IPC	RI for 02 years	Rs.2,000/-	RI for 01 month

2A. All the sentences were ordered to be run concurrently.



***CRR-1712-2008 (O&M)***

**-2-**

3. Learned *Amicus Curiae* appearing for the petitioner has assailed the impugned judgment of conviction primarily on the following grounds: -

(I) That the FIR in question was registered after an unexplained delay of about 2 hours and 40 minutes as it is a matter of record that the occurrence took place on 28.01.1999 at 04:30 p.m., however, the FIR was registered at 07:10 p.m.

(II) That as per the case of the prosecution, the driver of the offending vehicle soon after the accident, fled from the spot. In such circumstances, learned *Amicus Curiae* has contended that Test Identification Parade (TIP) was crucial to ascertain the identity of the revisionist. In the absence of Test Identification Parade, the culpability of offence under Section 304-A of the IPC cannot be fastened upon the present revisionist.

(III) That the learned trial Court erred in relying upon the postmortem report (Ex.PA) of deceased Bhajan Kaur, as admittedly the doctor who conducted the postmortem of deceased Bhajan Kaur was not examined by the prosecution, rendering the postmortem report alone inconclusive and unsubstantiated.

(IV) That the conviction of the revisionist is against the settled principles of law, in the light of patent gaps in the version of the prosecution, and thus, learned *Amicus Curiae* appearing for the petitioner prays that the impugned judgment of conviction is liable to be set aside.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned *Amicus Curiae*, has supported the



findings of conviction recorded by both the Courts below. Learned State counsel submits that the negligent act of the revisionist resulted in loss of three innocent lives. It has been submitted that during the course of trial, the complainant Satikar Singh (PW4), who was also an eyewitness to the offence along with the other eyewitnesses, had duly identified the revisionist, and therefore, there was no requirement of Test Identification Parade (TIP).

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Both the Courts below have returned concurrent findings of guilt, which are borne out from the evidence on record and do not suffer from any illegality, irregularity or perversity. Hence, the conviction of the petitioner is affirmed.

7. At this stage, the only question that therefore survives for consideration is that of sentence. It is undisputed fact that the accident in question took place close to 26 years ago. During this entire period, the petitioner has faced the ordeal of protracted criminal proceedings. It is also not disputed that he has not been involved in any other criminal case either prior to or after the occurrence, and has maintained good conduct. The petitioner has already undergone incarceration for a period of 6 months.

8. Having regard to the aforesaid circumstances, including the long passage of time since the incident, the clean antecedents of the petitioner, and the period of imprisonment already undergone as per the



***CRR-1712-2008 (O&M)***

***-4-***

custody certificate placed on record by the learned State counsel, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive sentence to the period already undergone while enhancing the quantum of fine.

9. Accordingly, while upholding the conviction of the petitioner, the substantive sentence of two years rigorous imprisonment awarded to him is hereby reduced to the period already undergone i.e. 6 months.

10. However the fine imposed is enhanced from Rs.2,000/- to Rs.10,000/- to be deposited with the “Punjab State Legal Services Authority Disaster Relief Fund, A/c No.44426937384, IFSC-SBIN0014656, State Bank of India, Sector-68, SAS Nagar, Mohali” within one month from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to the petitioner, and he shall be required to undergo the remaining part of the sentence awarded to him.

11. With the aforesaid modification in the quantum of sentence and enhancement of fine, the instant revision petition stands disposed of.

**September 11, 2025**

*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*