

2025:PHHC:126192



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

203

CRR-2909-2010

Date of Decision: 12.09.2025

JASBIR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

Feeling aggrieved by the judgment of conviction and order of sentence dated 07.10.2008 passed by the then Judicial Magistrate Ist Class, Jalandhar in case FIR No.107 dated 19.12.2000 under Sections 279, 337, 338, 427 and 304-A of IPC, registered at Police Station Cantt. Jalandhar, as well as the judgment dated 14.10.2010 passed by learned Addl. Sessions Judge, Jalandhar dismissing the appeal, the petitioner has come up before this Court by filing the present appeal.

2. The case of the prosecution is that on 19.12.2000, the petitioner was booked for rash and negligent driving of Bus No.PB08-AC-9813 and thereby causing injury to Karam Singh (friend of the complainant) and death of Tarsem Singh (brother-in-law of the complainant). Pursuant thereto, vide order dated 07.10.2008 passed by the then Judicial Magistrate Ist Class, Jalandhar, the petitioner was convicted and sentenced to undergo RI for two

years and to pay a fine of Rs.5000/- and in default thereof, to further undergo RI for six months under Section 304-A of IPC. The petitioner was further sentenced to undergo RI for six months under Section 279 of IPC. Feeling aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the Sessions Court, Jalandhar, wherein learned Addl. Sessions Judge, Jalandhar vide judgment dated 14.10.2010 upheld the conviction while modifying the sentence as RI for one year under Section 304-A and 279 of IPC on both heads. However, the sentence of fine was maintained.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 07.10.2008 as well as 14.10.2010 on merits, but restricts his prayer qua modification of the order on quantum of sentence dated 14.10.2010, to the period as already undergone by the petitioner, as he has already undergone a sentence of 01 month and 24 days out of the awarded sentence of 01 year. He further prays that since FIR in question pertains to the year 2000, hence, a lenient view may be taken while passing an order on quantum by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate dated 02.08.2025 and submits that the Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.

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 Bus No.PB08-AC-9813 and thereby causing injury to Karam Singh (friend of the complainant) and death of Tarsem Singh (brother-in-law of the complainant) for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2000 and he has already faced the rigors of the prosecution for about two and a half decades.

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 that the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judge 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 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 as well as the learned lower Appellate Court indicates no perversity in its 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 his prayer only *qua* modification in the order on quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2000. The right to speedy and expeditious trial is one of the most valuable and cherished rights of an accused guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial/prosecution, spanning over a period of approximately two and a half decades and has been in the corridors of the Court for this prolonged period. He remained incarcerated for 01 month and 24 days. He has been living peacefully for the last approximately 25 years as no report contrary to that has been received. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this Court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal** reported in (1998) 9 SCC 678 and

Alister Anthony Pereira Vs. State of Maharashtra reported in (2012) 2

SCC 648 and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this Court is of the view that ends of justice would sufficiently be met, if sentence imposed upon the petitioner is reduced to the one already undergone by him.

11. Accordingly, the judgment of conviction dated 07.10.2008 passed by the then learned Judicial Magistrate Ist Class, Jalandhar, affirmed by the then learned Addl. Sessions Judge, Jalandhar is further affirmed by this Court also, however, the order dated 14.10.2010 passed by the then learned Addl. Sessions Judge, Jalandhar modifying the order on quantum of sentence dated 07.10.2008 passed by the trial Court under Sections 304-A and 279 of IPC is further modified and the sentence of the petitioner is reduced to the period of sentence already undergone by the petitioner till date which would be sufficient and justifiable to serve the interest of justice. The petitioner is on bail. He need not surrender. His bail/surety bonds are discharged. However, the amount of fine is enhanced from Rs.5000/- to Rs.10,000/-. The petitioner is further directed to make a payment of Rs.15,000/- as compensation to be paid to the LRs of deceased Tarsem Singh. The petitioner is directed to deposit the enhanced amount of fine as well as compensation before the trial Court/Duty Magistrate within a period of one month from today, failing which, he shall be liable to be taken into custody to undergo imprisonment as per the default clause passed by the trial Court in its judgment dated 07.10.2008.

12. With these modifications, the present appeal is disposed of.
13. Pending application(s), if any, shall also stand disposed of.
14. The Chief Judicial Magistrate, Jalandhar is directed to initiate appropriate proceedings against the petitioner, if the enhanced amount of fine as well as compensation is not deposited within the stipulated time.

SEPT. 12, 2025.

Rajender

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

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No