



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

210

CRR-57-2009

Date of decision: 08.09.2025

Gurcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present : Ms. Ritu Punj, Advocate and  
Ms. Kulwinder Kaur, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J.**

1. The instant revision petition has been preferred against the judgement of conviction/order of sentence dated 28.03.2008 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Anandpur Sahib, in FIR No.80 dated 06.10.2001 under Sections 279, 304-A of the IPC registered at Police Station Nangal, convicting and sentencing the petitioner, which judgement was upheld by the learned Sessions Judge, Rupnagar, 07.01.2009.

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

<b>Offence(s) under Section</b>	<b>Period of sentence</b>	<b>Fine imposed</b>	<b>Period of sentence in default of payment of fine</b>
279 of the IPC	RI for 06 months	-	-
304-A of the IPC	RI for 02 years	Rs.1,000/-	RI for 02 months

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

3. The case as set up by the prosecution may be noticed as thus : the FIR in question was registered on the basis of a statement



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made by complainant, Suresh Kumar, who reported that on 06.10.2001 he and his brother Rajesh Kumar (since deceased) were going to their shop from village Kalintran on separate cycles; when they reached near Bus Stand Bhanupli at about 08.00 a.m., one tanker bearing registration No.CH-01-8295 came at a high speed from back side and crossed the cycle of the complainant and and by going wrong side, struck with the cycle of the deceased as a result of which the deceased fell down and was crushed by the back tyre of the tanker, and died at the spot.

4. Learned counsel for the petitioner has, at the very outset, fairly conceded that in view of the concurrent findings of fact recorded by the learned Trial Court and learned Appellate Court, she does not intend to assail the conviction of the petitioner on merits. Her submission is confined solely to the quantum of sentence. It is urged that the accident pertains to the year 2001, and the petitioner has already undergone incarceration for a period of 01 month and 14 days. It is further submitted that the petitioner has endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further incarceration.

5. In support of their plea, reliance has been placed on the decision of the Hon'ble Supreme Court in *Sagar Loliengar Vs. State of Goa and another : 2022(1) SCC 161*, wherein it was observed that even in cases involving conviction under 304-A of the IPC, the



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substantive sentence of imprisonment can be reduced to the period already undergone.

6. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against the petitioner, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the accident of the year 2001, the petitioner has maintained good conduct and has not been involved in any other criminal activity.

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

8. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the accident is of the year 2001, and taking note of the fact—undisputed by the learned State counsel, that the petitioner has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

9. It would be apposite to advert to the observations of the Hon'ble Supreme Court in *Sagar Lolienkar's case (supra)* where, while dealing with conviction under Sections 279 and 304-A of the IPC, the Hon'ble Supreme Court reduced the quantum of sentence in the following terms :-

*“14. In the instant case, the appellant has been found to be guilty of offences punishable under Sections 279 and 304A*



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*IPC for driving rashly and negligently on a public street and his act unfortunately resulted in the loss of the precious human life. But it is pertinent to note that there was no allegation against the appellant that at the time of accident, he was under the influence of liquor or any other substance impairing his driving skills. It was a rash and negligent act simplicitor and not a case of driving in an inebriated condition which is, undoubtedly despicable aggravated offence warranting stricter and harsher punishment.”*

10. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 02 years is reduced to the period already undergone i.e. 01 months and 14 days.

11. Ordered accordingly.

12. However the fine imposed is enhanced from Rs.1,000/- to Rs.10,000/- to be deposited with the “Punjab Chief Minister Relief Fund, A/c No.001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank” 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.

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

08.09.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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