



S. No.201

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

Crl. Revision No.2711 of 2010 (O&M)

Date of Decision:19.09.2025

Nazar Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Arun Abrol, Advocate for
Mr. Parminder Singh-I, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. Petitioner – accused namely Nazar Singh was held guilty and convicted by the Court of learned Judicial Magistrate Ist Class, Barnala vide judgment dated 04.09.2009 for the offences under Sections 279/337/338 IPC and sentenced under Section 279 IPC to undergo RI for a period of six months and to pay fine of Rs.500/- and in default of payment of fine, he was to undergo RI for a period of 15 days, under Section 337 IPC, to undergo RI for a period of six months and to pay fine of Rs.500/- and in default of payment of fine, he was to undergo RI for a period of 15 days and under Section 338 IPC, to undergo RI for a period of one year and to pay fine of Rs.500/- and in default of payment of fine, he was to undergo RI for a period of 15 days in case FIR No.16 dated 30.01.2004



registered under Sections 279, 337, 338 IPC at Police Station Dhanoula. Appeal filed by him was dismissed by the Appellate Court on 14.09.2010.

2. Brief facts of the prosecution case are that on 30.01.2004, one ruqa was received from Medical Officer, Civil Hospital, Dhanoula to the effect that Balwinder Singh s/o Jagroop Singh and Cheena Singh son of Jangir Singh have been admitted in Civil Hospital, Dhanoula on account of injuries having been suffered by them in a road traffic accident. Thereafter, ASI Ravinder Kumar, In-charge Police Post, Badbar was informed who reached the Civil Hospital, Dhanoula but both the injured were unfit to make statement. However, one Jasbir Singh son of Natha Singh got recorded his statement to the effect that on 30.01.2004, he along with one Balwinder Singh son of Sohan Singh was going from Village Badbar towards Dhanoula on his scooter, while Balwinder Singh son of Jagroop Singh and Cheena Singh, were going ahead of them on their scooter which was being driven by Balwinder Singh son of Jagroop Singh. At about 10:45 a.m., when they reached near Dera Sant Kartar Village Badbar, one Tata Sumo bearing No. HR-01L-0339 came from the opposite side of Dhanoula at a high speed and hit the scooter being driven by Balwinder Singh son of Jagroop Singh, as a result of which, Balwinder Singh and Cheena Singh suffered injuries. The driver of the offending vehicle stopped at the spot and on inquiry, he disclosed his name as Nazar Singh son of Bachan Singh, resident of Bhaini Vehra, Dhanoula but when people started gathering at the spot, he fled away along with the offending vehicle. Thereafter, injured were taken to the hospital for treatment with the help of passers-by leaving behind Surinder Kumar near the accidental scooter. He alleged that the accident took place due to rash and negligent driving



on the part of the driver of offending vehicle make Tata Sumo. On the basis of this information, formal FIR was registered and the matter was investigated. Rough site plan of the place of occurrence was got prepared. Statements of the witnesses were recorded. The medico legal report and treatment report of both the injured were obtained. The ill-fated scooter was taken into possession from the place of accident. On 01.02.2004 accused was arrested and the offending vehicle was taken into possession along with the driving licence of the accused. Both the vehicles were got mechanically examined and after completion of investigation, final report under Section 173 Cr.P.C was prepared and presented in the Court for trial against the accused. On presentation of challan, copy of challan was supplied to the accused as required under Section 207 Cr.P.C and after hearing the Public Prosecutor and the accused, a prima-facie offence punishable under Sections 279, 337 and 338 IPC was found to have been made out and the accused was charge-sheeted accordingly, to which he did not plead guilty and claimed trial.

3. In order to prove its case, prosecution examined PW1 Sukhjit Singh, Jr. Assistant, DTO Office Sangrur, PW2 complainant Jasbir Singh, PW3 Balwinder Singh, injured, PW4 Kesar Pal Singh, Jr. Assistant, DTO Office Sangrur, PW4 (repeated) Cheena Singh, injured, PW5 Dr. Gian Chand, PW6 C-Satpal Singh, PW7 Jiwan Kumar, photographer, PW8 ASI Ravinder Kumar, Investigating Officer and learned PP closed the prosecution evidence.

4. Statement of the accused under Section 313 Cr.P.C was recorded wherein the entire incriminating material was put to him but the same was denied by him to be wrong. In defence, accused examined DW1 Sukhwinder Singh and closed his evidence.



5. After hearing the Public Prosecutor and the defence counsel, learned trial Court came to conclusion that the accident in question had taken place on account of rash and negligent driving on the part of the accused while driving the offending vehicle resulting in simple as well as grievous injuries to both the injured, namely, Balwinder Singh son of Jagroop Singh and Cheena Singh and accordingly, he was held guilty and convicted for the offences under Sections 279, 337 and 338 IPC and was sentenced to undergo imprisonment as mentioned in opening paragraph of the judgment.

6. Feeling aggrieved, revisionist preferred an appeal before the Court of Sessions but the same was dismissed vide judgment dated 14.09.2010 passed by learned Additional Sessions Judge, Barnala. Hence, the revision petition has been instituted.

7. Upon notice, learned State Counsel has appeared. Learned counsel for the petitioner as well as learned State Counsel have been heard and I have gone through the evidence led before the trial Court and material on file.

8. At the very outset, learned counsel for the revisionist submits that he does not press the revision on merits but submits that the petitioner is facing the agony of trial since the year 2004. He is a poor person and has aged parents to support. He is the first offender and he undertakes not to repeat the offence in future and the learned counsel prayed that benefit of probation be extended in his favour.

9. On the other hand, learned State Counsel has opposed the prayer.

10. I have gone through the evidence on file and from the testimony of PW2 Jasbir Singh who is author of the FIR as well as the testimony of PW3 Balwinder Singh injured and PW4 Cheena Singh, who are the injured, it is



established that the accident in question had taken place on account of the rash and negligent driving of the offending vehicle by the petitioner who as per site plan placed on file hit the scooter being driven by Balwinder Singh after coming towards the wrong side and it resulted into simple as well as grievous injuries to the victims. The ocular version is corroborated by the medical evidence which has been duly proved by PW5 Dr. Gian Chand. The Investigating Officer after conducting thorough investigation had also come to the conclusion that the accident in question had taken place due to rash and negligent driving of the offending vehicle by the petitioner and there is thus no reason to take a contrary view and the conviction of the petitioner for the offences under the afore-said Sections is affirmed and impugned judgment thus does not call for any interference.

11. Coming to the question of sentence, it is not in dispute that the present FIR was registered in January, 2004 and petitioner is facing the agony of trial for the last more than 21 years. There is nothing on the file to show that petitioner is a previous convict or can be reformed. Therefore, taking into consideration the submissions of learned counsel for the petitioner & age, antecedents of petitioner and the fact that the petitioner is repentant over his act, I am of the considered opinion that ends of justice would be met in case, he is ordered to be released on probation of good conduct for a period of six months on his furnishing requisite probation bonds in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of learned trial Court. However, petitioner/accused shall pay a sum of Rs.15,000/- only as compensation to be paid to both the injured. Fine imposed by learned trial Court shall be adjusted towards cost of proceedings. Petitioner shall furnish probation bonds before the learned trial



Court and deposit the compensation amount within one month failing which he shall undergo the sentence imposed by learned trial for the offences under Sections 279, 337 and 338 IPC and the revision shall stand dismissed. The compensation amount shall be disbursed to injured by the learned trial Court after issuing notice to them.

12. In view of afore-discussion, the revision is dismissed with modification on the question of sentence as afoesaid. Trial court record be sent back with a copy of this judgment. Revision file be consigned to the record room after the compliance.

(Yashvir Singh Rathor)
Judge

September 19, 2025

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No