



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

211

CRR-104-2007

Date of decision: 04.09.2025

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Jyotnoor Kaur Sethi, Advocate (Amicus Curiae)
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner has filed the instant revision petition to impugn the order dated 11.01.2007 passed by learned Additional Sessions Judge, Kapurthala, whereby the appeal preferred by him against the judgment of conviction/order of sentence dated 07.12.2000 passed by learned Chief Judicial Magistrate, Kapurthala, in case FIR No.229 dated 15.12.1996 under Sections 304-A/279/337/338/427 of the IPC registered at Police Station Kotwali, Kapurthala, was dismissed.

2. Vide judgment dated 07.12.2000, learned Chief Judicial Magistrate, Kapurthala, convicted the petitioner and sentenced as under:-

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

3. Learned Amicus Curiae appearing for the petitioner has, *inter alia*, contended that there is no material on record to establish that



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the vehicle in question was being driven in a rash or negligent manner at the time of occurrence. It was further urged that though the complainant, who also claimed to have sustained injuries in the incident, appeared as a prosecution witness, yet no medical record was produced to substantiate such claim. This omission, it is argued, casts a serious doubt on the very presence of the complainant at the spot and consequently renders her testimony unreliable.

4. *Per contra*, learned State Counsel has supported the concurrent findings of conviction recorded by the learned Trial and Appellate Courts. It is submitted that the testimony of PW-4 Manjit Kaur, who was the pillion rider on the motorcycle, is cogent and trustworthy. She categorically deposed that the bus was being driven by the petitioner in a rash and negligent manner, leading to the occurrence. She has further identified the petitioner in the Court without any hesitation. PW Ashwani Kumar who has witness the occurrence has also supported the prosecution case and identified the petitioner.

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

6. The testimony of PW-4 Manjit Kaur, who was the injured eye-witness, stands firm in material particulars and has withstood the test of cross-examination. She categorically identified the petitioner as the driver of the offending vehicle and stated that it was being driven in rash and negligent manner. Her version finds corroboration by PW Ashwani Kumar who was also the alleged eye witness and has supported the prosecution version.



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7. In the facts and circumstances as enumerated hereinabove, this Court finds no infirmity, illegality or perversity in the concurrent findings recorded by the learned Trial and Appellate Courts. The conviction of the petitioner is accordingly upheld.

8. At this stage, learned Amicus Curiae prays for leniency in the matter of sentence, as it is a matter of fact that he has undergone protracted criminal proceedings for over two decades. The custody certificate placed on record shows that the petitioner has already undergone incarceration for a period of 25 days.

9. Considering the prolonged ordeal of trial, the petitioner's advanced age, and his unblemished record otherwise, this Court is of the view that no useful purpose would be served by sending him back custody at this stage.

10. In the interest of justice, while upholding the conviction, the substantive sentence of two years is reduced to the period undergone to already by the petitioner.

11. However the fine imposed upon the petitioner is enhanced from Rs.2,000/- 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.



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

04.09.2025

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(MANJARI NEHRU KAUL)

JUDGE

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