

2025:PHHC:077657



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

CRR-3195-2009(O&M)

Date of Decision:-02.07.2025

Ranjit Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 22.10.2009 passed by Additional Sessions Judge, Amritsar whereby the appeal filed against the judgment of conviction and order of sentence dated 04.12.2006 passed by Judicial Magistrate Ist Class, Amritsar has been dismissed.

2. The FIR in the present case came to be registered on 12.12.1996. The judgment of conviction was passed on 04.12.2006 by the Judicial Magistrate Ist Class, Amritsar. The Appeal filed against the order of conviction was dismissed on 22.10.2009 by the Additional Sessions Judge, Amritsar. The instant revision petition was filed on 07.12.2009 and has come up for final hearing now i.e. after a period of more than 28 years from the date of registration of the FIR.

3. Briefly stated, the case of the prosecution is that on 12.12.96 ASI Gian Singh recorded the statement of one Ajit Singh s/o Kehar Singh to the effect that on 12.12.96 he alongwith Bachan Singh s/o Shangara Singh r/o Gilwali were standing on the milk Dairy of Santokh Singh retired DSP and his brother Amrik Singh s/o Kehar Singh and one Kabal Singh s/o Shangara Singh r/o Gilwali were standing and talking with each other on the footpath in front of the Toka at Tarn Taran Road. At about 5.00 pm one tractor trolley No. PAF 4779 make Zetor came from the side of Amritsar at a very high speed without blowing any horn and ran over his brother Amrik Singh and Kabal Singh who were standing on footpath on the side of Toka. His brother Amrik Singh died on the spot, Kabal Singh was taken to hospital who was seriously injured.

4. On the basis of said statement present case was registered and investigation conducted. On 20.12.96 Kabal Singh also died in the hospital after succumbing to the injuries. The accused was arrested on 31.12.96. After completion of investigation challan against the accused was presented before the court.

5. Finding a prima facie case against the accused he was charge sheeted for the offence u/s 304 A IPC. He pleaded not guilty and claimed trial.

6. In order to prove its case the prosecution examined PW-1 HC Sarabjit Singh who deposed about getting conducted the post mortem and taking into possession tractor vide memo Ex.PB. PW-1 (wrongly numbered) Dr. Ashok Chanana deposed about conducting the post mortem on the dead body of Amrik Singh Ex. PW2/1, PW2 Dr. Gurman Jit Rai deposed and proved on the record the post mortem Ex. PW3/A, conducted upon the dead body of Kabal Singh. The accused was declared a Proclaimed offender vide

order dated 10.1.2005. Later he was apprehended and produced in the court and a supplementary challan was produced against the accused. The prosecution examined PW-1 Ajit Singh complainant who deposed as per the case of the prosecution, PW2 Bachan Singh also deposed as per the case of prosecution. Thereafter the evidence of the prosecution was closed by order of the court. The statement of the accused was recorded U/s 313 Cr.P.C. where in all the incriminating material evidence appearing against him was put to him. He denied the same and claimed false implication.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Amritsar vide judgment and order of sentence dated 04.12.2006 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 304-A IPC	RI for 02 Years	Rs.100/-	RI for 01 Month

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Amritsar, vide judgment dated 22.10.2009.

9. The aforementioned judgments are under challenge in the present revision petition.

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 25.03.2010.

11. The Counsel for the accused/petitioner contends that the identity of the accused has not been established as per law. The investigating officer has not been examined as a witness. This fact has caused prejudice to the accused and is fatal to the prosecution case. He thus contends that the impugned judgments are liable to be set aside and the accused be acquitted of the charges framed against him. In addition, he

contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 1996 and the case had come up for final hearing now after a gap of more than 28 years, the accused may be released on probation or his sentence be reduced to the period already undergone by him subject to payment of compensation.

12. The Counsel for the State on the other hand has placed on record the custody certificate dated 02.07.2025 as per which the accused has undergone actual sentence of 06 months and 28 days. He contends that the prosecution witnesses are clear and consistent in material particulars as to how the occurrence took place. No enmity of the said prosecution witnesses has been established with the accused, and therefore, there is no question of his false implication. He thus contends that no fault can be found with the impugned judgments and the present revision petition is liable to be dismissed. As regards the prayer for probation or reduction of sentence, he contends that 02 lives were lost in the occurrence and the accused did not deserve any sympathy.

13. I have heard counsel for the parties.

14. As per the case of the prosecution the accused, while driving tractor No. PAF 4779 on 12.12.96 ran over Amrik Singh and Kabal Singh and caused their death by such accident. Both PW-1 Ajit Singh and PW-2 Bachan Singh are stated to be eye witnesses of the accident who had seen the occurrence as they are alleged to have been standing at the Milk Dairy near the spot of occurrence. The factum of the death of Amrik Singh and Kabal Singh has not been controverted. Even otherwise PW-1 Dr. Ashok Chanana and PW-2 Dr. Gurmanjit Rai have proved on the record the post mortem reports of Amrik Singh deceased and Kabal Singh deceased.

15. The identity of the accused stands duly established. Both the PW-1 and PW-2 have been categorical in their testimonies that they had been standing at the milk Dairy of Santokh Singh when the tractor being driven by the accused ran over Amrik Singh and Kabal Singh who were talking with each other on the footpath. They have further been categorical in stating that the incident occurred due to the negligence on the part of the accused in driving of tractor PAF 4779.

In his cross examination PW-1 stated that when the occurrence took place they were standing at the dairy. Even PW-2 in his cross examination stated that he was at a distance of 300/400 yards from the place of accident/ occurrence and from that distance the tractor could be seen coming.

The presence of both PW-1 and PW-2 namely Ajit Singh and Bachan Singh cannot be doubted and there is no reason for them to have falsely implicated the accused.

16. The argument of the accused that the Investigating Officer of the case has not been examined, which is fatal to the prosecution case also cannot be accepted. Both PW1 and PW2 have fully supported the case of the prosecution. There is absolutely nothing to suggest that the police falsely implicated the accused.

17. Therefore, it stands established that it was the accused who, while driving negligently the tractor No. PAF 4779, caused the accident which resulted in the death of Amrik Singh and Kabal Singh.

18. In view of the above discussion, I find no merit in the petition and the same stands dismissed.

19. As regards the imposition of sentence, it may be pointed out that this Court in **Gurmukh Singh Vs. State of Punjab CRR No.2168-2014**

Decided on 13.12.2023 held as under:-

“ 21. Thus two parallel threads are :

- a. Courts should normally avoid showing undue sympathy to the accused by imposing inadequate sentence as the same is harmful to the justice system ; and
- b. The Supreme Court has repeatedly considered the fact that ordeal of facing pangs of prolonged trial needs to be considered while deciding adequacy of sentence in the matters pertaining to offence punishable under Section 304-A IPC. Where the accused has faced the prolonged trial running into more than a decade before it is finally concluded by the High Court or the Supreme Court and both the Courts found that the victim needs to be compensated adequately, the time spent in the lis by an accused and compensation to the victim can form relevant considerations for reduction in sentence.

22. In the present case the present revision is pending consideration for last nine years. FIR relates to the year 2007. The petitioner was granted suspension of sentence on 27.10.2014 after he expressed his readiness to compensate the victim by paying Rs.1.00 lac. The afore said amount stands paid. The question is, having paid compensation as per the orders of this Court 9 years back, should the petitioner be asked to go back behind bars? It is in these mitigating circumstances that this Court finds it appropriate to follow the orders passed by Apex Court in **K. Jagdish's case** (supra) as the facts in the present case are almost similar to those before the Apex Court. I may hastenly add here that the petitioner is claimed to have paid compensation and neither the State nor the victim has agitated against the order passed by this court asking the petitioner to deposit compensation and granting him suspension of sentence.

23. The petitioner is a first time offender and has no past criminal record or antecedents. He is not reported to have ever misused concession of bail/suspension of sentence. He has undergone about 6 months out of substantive sentence of 1 year and has already faced protracted trial for last 16 years.

24. Taking into consideration all these facts cumulatively, the substantive sentence of 1 year awarded to the petitioner by the Courts below is reduced to the period already undergone by him.

25. Petition is disposed off, accordingly.”

20. It may be reiterated here that 02 persons have lost their lives.

However the custody certificate would reveal that the petitioner does not

have criminal antecedents. Therefore, in the peculiar facts and circumstances of the case including the fact that the occurrence pertains to the year 1996 and more than 28 years have passed ever since then, subject to payment of the fine as imposed and payment of Rs.1 Lac each as compensation to be paid to the legal heirs of both the deceased, the sentence of the accused/petitioner is reduced to a period already undergone by him i.e. 06 months and 28 days

21. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

July 02, 2025
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No