



**State of H.P. Vs. Kushal Singh**

**Cr. Appeal No. 144 of 2014**

**Reserved on 29.07.2026**

**QUANTUM OF SENTENCE**

06.08.2026 Present: Mr Prashant Sen, Deputy Advocate General, for the appellant/State.

Mr. N.S. Chandel, Senior Advocate with Ms Kanika Verma, Advocate, for the respondent/convict.

The parties have been heard on the quantum of the sentence.

2. Mr Prashant Sen, learned Deputy Advocate General, for the appellant/State submitted that the respondent was negligently driving the vehicle, which caused grievous hurt to Abhishek Minhas and Ripan Singh. The offences involving the rash and negligent driving of vehicles are increasing, and a deterrent view be taken in the present matter, to prevent the recurrence of such offences.

3. Mr N.S. Chandel, learned Senior Advocate of the respondent/convict submitted that the convict was unmarried at the time of the accident. He has solemnised a marriage. He has two sons and two daughters. The daughters are studying in 10+2 and 10<sup>th</sup> class. They require the presence of their father in this crucial stage of their lives. The convict has an aged father dependent upon him. The convict is the sole earner of the family,



and sending him to prison will have disastrous consequences for the whole family. Hence, he prayed that the benefit of the Probation of Offenders Act be granted to the convict.

4. I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

5. It has been proved on record that the applicant was negligently driving the vehicle. It was laid down by the Hon'ble Supreme Court in *Dalbir Singh Versus State of Haryana (2000) 5 SCC 82* that the benefit of the Probation of Offenders Act cannot be granted to a person convicted of rash or negligent driving, and a deterrent sentence is to be awarded to him. It was observed:

"11. Courts must bear in mind that when any plea is made based on S. 4 of the PO Act for application to a convicted person under S. 304-A of I.P.C., road accidents have proliferated to an alarming extent, and the toll is galloping up day by day in India and that no solution is in sight nor suggested by any quarters to bring them down. When this Court lamented two decades ago that "more people die of road accidents than by most diseases, so much so the Indian highways are among the top killers of the country, the saturation of accidents was not even half of what it is today. So V. R. Krishna Iyer, J., has suggested in the said decision, thus :

"Rashness and negligence are relative concepts, not absolute abstractions. In our current conditions, the law under S. 304-A, I.P.C. and under the rubric of negligence, must have due regard to the fatal frequency of rash driving of heavy-duty vehicles and speeding menaces."



12. In *State of Karnataka v. Krishna alias Raju* (1987) 1 SCC 538, this Court did not allow a sentence of fine, imposed on a driver who was convicted under S. 304-A, I.P.C. to remain in force although the High Court too had confirmed the said sentence when an accused was convicted of the offence of driving a bus callously and causing the death of a human being. In that case, this Court enhanced the sentence to rigorous imprisonment for six months besides imposing a fine.

13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences of visiting the victims and their families, Criminal Courts cannot treat the nature of the offence under S. 304-A, I.P.C. as attracting the benevolent provisions of S. 4 of the PO Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent driving of automobiles, one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion. He cannot and should not take a chance thinking that rash driving need not necessarily cause an accident, or even if any accident occurs, it need not necessarily result in the death of any human being, or even if such death ensues, he might not be convicted of the offence, and lastly, that even if he is convicted, he would be dealt with leniently by the Court. He must always keep in mind the fear psyche that if he is convicted of the offence of causing the death of a human being due to his callous driving of a vehicle, he cannot escape from a jail sentence. This is the role which the Courts can play, particularly at the level of trial Courts, for lessening the high rate of motor accidents due to the callous driving of automobiles.”

6. A similar view was taken in *State of Punjab v.*

*Balwinder Singh*, (2012) 2 SCC 182, wherein it was held: -

“13. It is a settled law that sentencing must have a policy of correction. If anyone has to become a good driver, they must have better training in traffic laws and moral



responsibility, with special reference to the potential injury to human life and limb. Considering the increased number of road accidents, this Court, on several occasions, has reminded the criminal courts dealing with the offences relating to motor accidents that they cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act, 1958. We fully endorse the view expressed by this Court in *Dalbir Singh [(2000) 5 SCC 82: 2004 SCC (Cri) 1208]*.

7. Similar is the judgment in *State of Punjab v. Saurabh Bakshi*, (2015) 5 SCC 182: (2015) 2 SCC (Cri) 751: 2015 SCC OnLine SC 278, wherein it was observed at page 196:

“25. Before parting with the case, we are compelled to observe that India has a disreputable record of road accidents. There is a nonchalant attitude among the drivers. They feel that they are the “Emperors of all they survey”. Drunkenness contributes to careless driving, where other people become their prey. The poor feel that their lives are not safe, the pedestrians think of uncertainty, and the civilised persons drive in constant fear, but are still apprehensive about the obnoxious attitude of the people who project themselves as “larger than life”. In such circumstances, we are bound to observe that the lawmakers should scrutinise, relook and revisit the sentencing policy in Section 304-A IPC. We say so with immense anguish.”

8. In view of the binding precedents of the Hon'ble Supreme Court, it is not possible to grant the benefit of the Probation of Offenders Act to a person found guilty of negligently driving the vehicle. Hence, the prayer that the benefit of the Probation of Offenders Act be granted to the convict cannot be accepted.



9. It was submitted that the judgments were delivered by the Hon'ble Supreme Court in cases of Section 304-A of the IPC and do not apply to the offences punishable under Sections 279 and 338 of the IPC. This submission cannot be accepted. The judgments show that the Hon'ble Supreme Court was concerned with the rising number of accidents and their impact on society. Therefore, even though these judgments were delivered in an offence punishable under Section 304-A of the IPC, they apply to the offence of negligent driving.

10. It was submitted that the accused is ready to pay the compensation. Hence, the compensation be enhanced, and the sentence be reduced. The Hon'ble Supreme Court deprecated the practice of enhancing the compensation and reducing the sentence in *Parameshwari v. State of T.N.*, 2026 SCC OnLine SC 209 and observed:

“31. The practice of enhancing the compensation payable to the victim and reducing the sentence, especially in cases of grave offence, is dangerous as it might send a wrong message to society that the offenders/accused persons can absolve themselves from their liability by merely paying a monetary consideration.

32. Compensation payable to the victim is only restitutory in nature, and it cannot be considered as equivalent to or a substitute for punishment. Punishment is punitive in nature, and its object is to create an adequate deterrence against the said crime and to send a social message to the miscreants that any violation of the moral turpitude of society would come



with consequences, which cannot merely be “*purchased by money*”.

11. Therefore, it is not possible to award the fine without awarding any imprisonment.

12. In the present case, the respondent’s acquittal was reversed by this Court. The respondent has acquired a family, and his family members are dependent upon him. Balancing the respondent’s family condition with the adverse impact of the accidents on society, the respondent/convict is sentenced to undergo simple imprisonment for three months and pay a fine of ₹500/-, and in default of payment of fine, to undergo simple imprisonment for 30 days for the commission of an offence punishable under Section 279 of IPC. He is also sentenced to undergo simple imprisonment for six months, pay a fine of ₹1000/- and, in default of payment of fine, undergo simple imprisonment for two months for the commission of an offence punishable under Section 338 of IPC. Both the substantive sentences of imprisonment shall run concurrently. The period of imprisonment, if any, undergone by the respondent/convict during investigation, trial and appeal would be set off from the substantive sentences of imprisonment.

14. The respondent/convict will surrender within one month to serve the sentence imposed upon him, failing which



the learned Trial Court shall take appropriate steps to execute the sentence as per the law.

15. The record of the learned Trial Court be returned along with a copy of the judgment and order.

**(Rakesh Kainthla)**  
**Judge**

06<sup>th</sup> August, 2026  
(Ravinder)