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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1298-2009 (O&M)****Date of Decision: 23.04.2026****Shingara Singh @ Billa**

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Karambir Singh Kahlon, Advocate for the petitioner.

Mr. Bhanu Partap Singh, Addl. AG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 12.03.2009, passed by the Court of Additional Sessions Judge, Tarn Taran, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 17.11.2004, passed by the Court of Sub Divisional Judicial Magistrate, Tarn Taran, whereby the petitioner was ordered to be convicted for the offence punishable under Section 304-A and 279 of IPC and was sentenced as under:-

Under Section 304-A of Indian Penal Code	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of 01 month.
Under Section 279 of Indian Penal Code	Rigorous imprisonment for a period of three months and to pay a fine of Rs.250/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

2. The brief facts of the case are that the present case was registered on the statement of Rajwinder Singh recorded by police on 26.09.1998 at 7:00



A.M. at Tarn Taran. The complainant stated that his father Chanan Singh retired as Gram Sewak and maternal uncles of his mother namely Jasbir Kaur are residing at Village Manochahal and maternal grand-mother of the mother of complainant had died, therefore, all the family members came to attend *Bhog* ceremony at village Manochahal and after attending *Bhog* ceremony on 23-09-1998, complainant and his father were going from Manochahal to village Walipur, to meet their relative on a scooter which was being driven by complainant whereas his father Chanan Singh was a pillion rider. The complainant further submitted that it was about 10:00 A.M., when they were between area of village Walipur, then a *Gharuka* (Peter Rehra), was going on a road, which was being driven by a bald headed person, whose name he later came to know as Shingara Singh son of Gura Singh, resident of village Kulla, P.S. Patti and he was driving the said *Gharuka* in a rash and negligent manner and at high speed. When the complainant blew horn to cross *Gharuka*, the driver of *Gharuka* took some time to give side and then the complainant again blew horn and when he was crossing *Gharuka* then the driver of the *Gharuka* gave a turn towards the complainant due to which Chanan Singh struck with the scooter from back side and father of the complainant fell on the road and the complainant fell on the other side and front tyre of the *Gharuka* ran over father of the complainant. The complainant raised alarm and father of the complainant suffered injuries in this accident and he arranged vehicle to take his father to Civil Hospital, Tarn Taran, where father of the complainant died at 11:30 p.m. On this statement, the FIR of the case was registered against the accused/petitioner.

3. After completion of the investigation, all other necessary formalities were concluded and challan was presented under Sections 304-A,



279 of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Section 304-A/279 IPC and the petitioner was charge-sheeted accordingly. However, the petitioner pleaded not guilty and claimed trial.

4. In order to prove the charges against the petitioner, the prosecution examined PW1 – HC Attar Singh, PW2 - Joginder Singh, PW3 – Lakhwinder Singh, PW4 – ASI Dilbag Singh, PW5 - Dr. Parmod Kumar Gupta, PW6 – HC Raj Kumar and PW7 – Rajwinder Singh (complainant) and the prosecution evidence was closed.

5. After closure of the prosecution evidence, statement of the petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded innocence and false implication. No evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to the petitioner. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. In the present case the prosecution examined Rajwinder Singh complainant as PW7, who proved the statement Ex. PW4/A. He submitted that petitioner was driving the offending vehicle i.e. Peter Rehda on a public road. Even the said vehicle is illegally made and there is no cabin for the driver on the said vehicle. Petitioner was driving the offending vehicle in a rash and negligent manner. The prosecution had also examined PW2 Joginder Singh, eyewitness, however, he did not support the case of the prosecution. PW1 - HC Attar Singh, who had mechanically tested the scooter



as well as the offending vehicle i.e. Peter Rehda, submitted his reports Ex.PA and Ex.PB, to show that there was no mechanical defect either in the scooter or in the Peter Rehda. The prosecution further examined PW4 - ASI Dilbag Singh, who had investigated the case in detail and supported the testimonies of the witnesses in the present case. The prosecution further examined PW5 – Dr. Pramod Kumar Gupta, who conducted the postmortem on the dead body of Chanan Singh on 26.09.1998 and proved the postmortem report Ex.PW5/A, pictorial diagram as Ex.PW5/B and proved his report Ex.PW5/C. According to his opinion, Chanan Singh, since deceased had died due to the injuries sustained in the vehicular accident, which were mentioned in the postmortem report Ex.PW5/A. PW6 - HC Rajkumar had proved the recovery memo Ex.PW4/D whereby Peter Rehda was taken in possession. From the statements of aforesaid witnesses, it was apparent that both the Courts had rightly convicted the petitioner for commission of the offences punishable under Sections 279 and 304-A of IPC.

8. Even otherwise, I have gone through the judgment passed by the trial Court as well as the appellate Court and find no infirmity, illegality or perversity in the judgments. Thus, the impugned judgments of conviction, passed by the trial Court as well as the appellate Court are upheld by this Court.

9. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 26.09.1998 i.e. for the last about 27 years. Even the petitioner is aged about 72 years at present and was involved only in one case under Excise Act during his life time. Apart from that, a report has been received from the SHO Police Station Tarn Taran and as per the said report,



the petitioner cannot walk and speak and he is confined to bed for the last 03 years due to various medical complications. Even otherwise, as per the custody certificate, the petitioner has undergone actual custody of 02 months and 15 days out of total sentence of 01 year.

10. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in *Mallappa Hanumantappa Talawar v. State of Karnataka, (Criminal Appeal No.1606 of 2025, decided on 01.04.2025)*; *Palwinder Singh v. State of Punjab, (Crl. Appeal No.2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. The amount of fine shall remain the same.

11. With the above modifications, the revision is partly allowed and impugned judgment dated 12.03.2009, passed by the Court of Additional Sessions Judge, Tarn Taran and the impugned judgment dated 17.11.2004, passed by the Sub Divisional Magistrate, Tarn Taran, are upheld, whereas the order of sentence is modified to the extent that the sentence imposed upon the present petitioner is reduced to the period already undergone by him.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

23.04.2026

sunil

(N.S.SHEKHAWAT)
JUDGE

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