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

CRR-1310-2011 (O&M)

Date of Decision: 20.04.2026

Lakhvir Singh

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Ms. Manveen Pheruman, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 26.05.2011, passed by the Court of Sessions Judge, Ferozepur, whereby, the appeal filed by the petitioner was ordered to be dismissed and upheld the impugned judgment of conviction and order of sentence dated 03.02.2010, passed by the Court of Sub Divisional Judicial Magistrate, Zira, whereby the petitioner was ordered to be convicted for the offence punishable under Section 304-A 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.1,500/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of two months.
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2. The brief facts of the case are that Nirranjan Singh son of Harnam Singh got recorded his statement Ex.PA that he is an agriculturist and cultivating 10 killas of land. He was going to inquire about the fertilizer from the Society. When he was at a distance of 4/5 killas ahead of his village, he saw his nephew Baldev Singh son of Chanan Singh working as a salesman in



Society, Kamalgarh alongwith Joginder Singh Secretary of the Society, coming on the scooter from the front side. The scooter was being driven by Joginder Singh and Baldev Singh was a pillion rider. On seeing the complainant, they stopped the scooter on side. At about 3:00 P.M., one tractor Farmtrac of blue colour driven by a person with crutches came from the side of Kamalgarh. The tractor driver hit the scooter of Baldev Singh and Joginder Singh, while driving the said tractor rashly, at a fast speed, without blowing any horn. Joginder Singh received injuries and Baldev Singh died on the spot due to receipt of injuries in the accident. The tractor driver disclosed his name as Lakhbir Singh son of Didar Singh.

3. After the investigation was concluded, challan was presented under Sections 304-A, 337, 338, 279, 427 of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Section 304-A 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 PW-1 Joginder Singh, PW-2 Niranjana Singh (complainant), PW-3 Dr. G.S. Bhinder, PW-4 HC Kuldeep Singh, PW-5 SI Harinder Singh, PW-6 Pardeep Kumar Registration Clerk, PW-7 HC Sukhwinder Singh, PW-8 Dr. Harbans Singh and PW-9 HC Amarjit Singh, Mechanic and the evidence was closed by Court order.

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, in support of the prosecution case, the prosecution had examined Joginder Singh son of Narayan Singh as PW-1. He corroborated the testimony of PW-2 Naranjan Singh, complainant. Naranjan Singh complainant had reiterated the version as mentioned in the FIR in the present case. The prosecution further examined PW-3 Dr. G.S. Bhinder, Medical Officer, who had conducted the post-mortem on the dead body of Baldev Singh. PW-6 Pradeep Kumar, Registration Clerk from the office of S.D.M., Zira had proved the driving license of the petitioner in the present case. Apart from that, even the statements of the complainant and Joginder Singh were found to be correct during the course of investigation, which was conducted by SI Harinder Singh PW-5. Even the statement of PW-5 SI Harinder Singh was supported by PW-4 HC Kuldeep Singh and PW-7 HC Sukhwinder Singh. They had proved the recoveries. Further, the statement of PW-9 HC Amarjit Singh, Mechanic, was also sufficient to prove the test report of the vehicle and it was proved that the tractor of petitioner was involved in the accident in the present case. Thus, from the statements of aforesaid witnesses, it was apparent that the petitioner had driven the offending vehicle in rash and negligent manner, which resulted in the death of Baldev Singh. Thus, the petitioner had been rightly convicted for commission of offence punishable under Section 304-A 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 ordered to be upheld by this Court.

9. Now, adverting to the order of quantum of sentence, this Court is conscious of the fact that the petitioner is facing prosecution since 09.10.2002 i.e. for the last more than 23 years and has undergone actual custody of 01 month and 18 days out of total sentence of 01 year. The sentence imposed upon him was suspended by this Court on 13.07.2011 and in the last more than 14 years, he had maintained good conduct. Even the petitioner is aged about 73 years at present. Apart from that, he was never involved in any other criminal activity.

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. Still further, the amount of fine in the present case is enhanced to Rs.1,00,000/-, which shall be deposited by the petitioner as compensation with the Court of concerned



Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the legal representatives of Baldev Singh, since deceased, in the present case, after proper verification and against receipt.

11. With the above modifications, the revision is partly allowed and impugned judgment dated 26.05.2011, passed by the Court of Sessions Judge, Ferozepur and the impugned judgment dated 03.02.2010, passed by the Sub Divisional Judicial Magistrate, Zira, 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. In case, the fine/compensation amount is not deposited within a period of two months from today, the present criminal revision petition shall be deemed to be dismissed.

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

20.04.2026*sunil***(N.S.SHEKHAWAT)
JUDGE**

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