



CRR-1486-2011 (O&M)

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 20.04.2026

Baldev Singh

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Jagpal Singh, Advocate,
Mr. A.S. Sivia, Advocate and
Mr. Nayandeep Rana, Advocate (Amicus Curiae)
for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 15.06.2011, passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib, whereby, the appeal filed by the petitioner was ordered to be dismissed and upheld the impugned judgment of conviction and order of sentence dated 15.10.2008, passed by the Court of Judicial Magistrate Ist Class, Sri Muktsar Sahib, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279, 337 and 304-A of IPC and was sentenced as under:-

Under Section 279 of Indian Penal Code	Rigorous imprisonment for a period of six months.
Under Section 337 of Indian Penal Code	Rigorous imprisonment for a period of six months.
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 two months.

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2. The brief facts of the case are that on 12.02.2005, on receipt of information, ASI Surjit Singh went to Civil Hospital, Muktsar where he came to know that Chand Singh has died in an accident and Dalip Kaur was admitted in hospital in injured condition. After obtaining the necessary opinion from the doctor regarding fitness of injured, her statement was recorded. The complainant stated before the police that she is resident of village Udekaran and is a simple house wife. On that day, complainant and her husband Chand Singh had gone on a bullock cart to bring the fodder for pet animals from the agricultural fields. While going, when they reached near Hadda Rohri, situated at Ferozepore Road, they stranded their bullock cart in Panchayat land in front of main road. At about 12.15 P.M., one tractor trolley full of *Sarkana* heap came there. The complainant and her husband were standing behind bullock cart. The tractor was driven by the accused/petitioner Baldev Singh, present in the Court, in a rash and negligent manner. Due to his rash and negligent driving, the tractor-trolley hit the bullock cart and the trolley overturned towards the complainant, as a result of which complainant and her husband came under the heap of *Sarkana*. In the meanwhile, her son Gurmeet Singh and brother-in-law Jagtar Singh also came there on a scooter and they helped the complainant to come out under the heap of *Sarkana*. The driver of tractor-trolley fled away from the scene after leaving his tractor-trolley there. Chand Singh was also taken out from *Sarkana* heap. After arranging vehicle, they were brought to Civil Hospital, Muktsar, but on the way Chand Singh died. Gurmeet Singh brought the dead body of Chand Singh and Dalip Kaur in an injured condition to Civil Hospital. The complainant has received serious injuries on her person. On the basis of this statement, a formal case was got registered and investigation was pressed into service. ASI Surjit

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Singh visited mortuary and inspected the dead body. Inquest report was prepared. Statements of witnesses were recorded. The post-mortem examination of dead body was got conducted on moving an application. The Investigating Officer visited the spot alongwith private photographer and other police officials. The photographs of spot were taken. Site plan was prepared. The tractor and trolley were taken into police possession.

3. On completion of investigation and necessary formalities, challan was presented under Sections 279, 337, 338, 304A of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Sections 279, 304-A, 337 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 - Dalip Kaur, PW2 – Dr. Bandana, Medical Officer, PW3 – Gurmeet Singh, PW4 – ASI Surjit Singh and PW5 – C. Harvinder Singh and the prosecution 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 the petitioner, to which he pleaded false implication. In support of his defence, the petitioner examined Surjit Singh as DW1.

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.



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7. In the present case, the prosecution examined PW1 - Dalip Kaur, who had deposed the vivid account of the entire occurrence. As per her version, she along with Chand Singh, deceased went on bullock cart to collect fodder and the petitioner came there on a tractor-trolley, while driving the tractor in a rash and negligent manner. Due to his rash and negligent driving, the tractor-trolley had hit the cart and Chand Singh had died in the said accident. Even Dalip Kaur had suffered injuries in the said accident. Her statement has been duly corroborated by the testimony of PW3 - Gurmeet Singh. Both the witnesses were cross-examined at length, however, nothing material could be elicited from their statements, which may discredit their testimonies in any manner. The prosecution further examined PW2 - Doctor Bandana, who conducted the post-mortem examination on the dead body of Chand Singh on 13.02.2005 and stated as under:-

1. It was a dead body of old aged person, moderately built, with long white scalp hair, white beard, both eyes and mouth was closed. Rigormortis was present in all the four limbs. Post-mortem staining was present on the dependent parts of the body. Eyes were congested lips and nails bluish in colour. A small abrasion measuring 2 cm into 1 cm was present on the dorsum nose. On examination of thorax right side 5th, 6th and 7th and ribs showed fracture thorax cavity contained fluid and clotted blood.

Right plura was lacerated. Plural cavity showed fluid and clotted blood. Right lung showed laceration on anterolateral aspect lung is collapsed. The left lung oozed out. Dark colour and fluid on cut section.

2. Rest of the organs from the dead body were normal and no abnormality was detected.

The cause of death was due to shock and hemorrhage as a result of injuries to vital organs including lung leading to cardio respiratory arrest. The post-mortem examination report Ex. PB was prepared and it alongwith duly stitched body, belonging of deceased and police papers were handed over to Investigating Officer.”



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8. Still further in the present case, ASI Surjeet Singh had conducted the investigation and he was examined as PW4. He supported the testimonies of the prosecution witnesses and the allegation levelled by the complainant were found to be correct, during the course of investigation.

9. Thus, both the Courts had rightly held him guilty for commission of offences under Sections 279, 337 and 304-A IPC. Even otherwise, I have gone through the judgments 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.

10. Now, adverting to the sentence, this Court cannot lose sight of the fact that the petitioner is facing prosecution since 12.02.2005 i.e. for the last more than 21 years. Even the petitioner is aged about 73 years at present. Moreover, as per the custody certificate, the petitioner has already undergone about 03 months and 13 days of actual custody out of total sentence of 1 year. Moreover, the sentence imposed upon the petitioner was suspended by this Court on 23.09.2011 and in the last more than 14 years, he had maintained good conduct. Apart from that, he was never involved in any other criminal activity.

11. 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***



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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.25,000/-, 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 Chand Singh, since deceased, in the present case, after proper verification and against receipt.

12. With the above modifications, the revision is partly allowed and impugned judgment dated 15.06.2011, passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib and the impugned judgment dated 15.10.2008, passed by the Judicial Magistrate Ist Class, Sri Muktsar Sahib, 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.

13. Apart from that, this Court appreciates the able assistance rendered by learned Amicus Curiae while deciding the present case, therefore, the counsel fee of learned Amicus Curiae is assessed to be Rs.20,000/-, which



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shall be paid by the Secretary, Legal Services Committee, Punjab and Haryana
High Court, Chandigarh.

14. 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