



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

CRR-2639-2012 (O&M)
Date of Decision: 23.04.2026

Avninder Singh Gill

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Nikhil Ghai, Advocate
 for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Pragbir Singh Dhindsa, Advocate
for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 23.08.2012, passed by the Court of Additional Sessions Judge, Ludhiana, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 25.10.2010, passed by the Court of Judicial Magistrate, Ist Class, Ludhiana, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279, 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 304-A of Indian Penal Code	Rigorous imprisonment for a period of one year and to pay a fine of Rs.2000/-. In default of payment of fine, to further undergo simple imprisonment for a period of one month.



2. The brief facts of the case are that on 13.10.2004 HC Paramjit Singh along with other police officials was present in Chowk Basti Jodhewal, Ludhiana in connection with patrolling duty where Avninder Singh Gill got recorded his statement before HC Paramjit Singh to the effect that he is retired as a Wing Commander from the military. At about 4:30 P.M., he along with his family members were coming back after performing the *Sagan* ceremony of his daughter from Phillaur to Patiala through Ludhiana in Alto Maruti Car bearing no. PB11Q-T-4693 and when he reached ahead of turn of village Tibba on GT road, Ludhiana, a trolly came from his right side, the driver was driving the said trolly at very high speed and in a negligent manner, but inspite of taking precaution from touching it, the trolly dashed in his car from the right side due to which the right side of the car was damaged and the trolly dragged his car to some distance. The car struck into a lady, due to the strike, the lady fell into ganda-nala. The people took out the said lady from the ganda-nala and got her admitted in the hospital. Her brother also suffered injuries. The driver of the said trolly fled away from the spot with his vehicle. The accident was caused due to rash and negligent driving by the driver of trolly. After recording the statement, Avninder Singh signed his statement. Then HC Paramjit Singh attested the same, made his endorsement sent *ruqa* to the police Station for recording FIR under Sections 279, 337, 338, 427. After recording FIR, investigation was started initially. Site plan was prepared the car was taken into police possession vide separate recovery memo. The injured woman died in CMC Hospital, and the said lady was identified as Darshana Devi wife of Kishan Dev, resident of Purana Bazar, Sahnewal.



After postmortem, the dead body was handed over to her heirs. Sanjiv Kumar son of deceased Darshana Devi filed an application no.1621-CR-SSP, dated 02.11.2004 before the SSP, Ludhiana with regard to causing death of his mother by the car driver (present petitioner) due to rash & negligent driving. The said application was marked to SP City-II, Ludhiana. In enquiry it was found that at the time of accident the car bearing no.PB11QT-4693 was being driven by Avninder Singh (present petitioner) by overtaking the trolly rashly and negligently, who struck his car into Darshana Devi, the mother of complainant. Darshana Devi suffered injuries and fell into the Ganda-nala and died. The case FIR No.231 dated 13.10.2004 under section 279, 337, 338, 427 IPC, Police Station Basti Jodhewal was registered on the statement of complainant Avninder Singh. The said case was ordered to be registered against Avninder Singh under Sections 279, 304-A IPC. The SSP also agreed with this inquiry report. Thereafter, the investigation of this case entrusted to ASI Satwinder Singh, who got recorded statement of witnesses during investigation. Avninder Singh was arrested in this case on 21.02.2005.

3. After the investigation was concluded, challan was presented under Sections 279 and 304-A of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Sections 279 and 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 PW1 – Dr. Pardeep Kumar, Medical Officer, PW2 – ASI Mohd. Rasid, PW3 – ASI Kuljinder Singh, PW4 – HC Bikramjit Singh,



PW5 – Anil Kumar, Photographer, PW6 – Jagtar Singh, PW7 – Pal Singh, PW8 – HC Paramjit Singh, PW9 – Dr. Vishal Aggarwal, PW10 – Constable Tarsem Singh, PW11 – (wrongly written as PW10) Shiv Hari Sharma and PW 12 (wrongly written as PW11) Sanjiv Kumar, complainant and thereafter, 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. In his defence, the petitioner examined Gurmail Singh as DW1 and thereafter, closed the defence evidence.

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 case was primarily based on the testimonies of PW6 – Jagtar Singh and PW7 – Pal Singh, who had both witnessed the accident in the present case. Both the witnesses had supported the case of the prosecution. Even both the witnesses were searchingly cross-examined, but nothing material could be elicited from their cross-examination, which could shatter their testimonies in any manner. The prosecution examined PW9 – Dr. Vishal Aggarwal, who proved copy of MLR Ex.PW9/A and pictorial diagram Ex.PW9/B. He sent death information Ex.PW9/D and death notification form Ex.PW9/E. Still



further, the prosecution examined PW1 – Dr. Pardeep Kumar, Medical Officer, who conducted the postmortem examination on the dead body and proved the postmortem report Ex.PA and pictorial diagram Ex.PA/1. PW2 – ASI Mohd. Rasid had partly investigated the case and proved the FIR Ex.PB. PW4 – HC Bikramjit Singh proved the recovery memo Ex.PW4/A whereby Maruti Alto car alongwith RC and driving license were taken in possession. PW5 - Anil Kumar Photographer proved the photographs Ex.PW4/A to Ex.PW4/F alongwith negatives Ex.PW4/G to Ex.PW4/L and the recovery memo Ex.PC. The investigation in the present case was proved by PW8 - HC Paramjit Singh, who had initially conducted the investigation and had proved that the allegations levelled by the complainant in the present case were found to be correct during investigation. Thus, the prosecution had successfully proved the charge under Section 279, 304-A IPC against the petitioner beyond shadow of reasonable doubt.

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, advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing agony of trial/appeal since 13.10.2004 i.e. for the last more than 21 years. Moreover, as per the custody certificate, the petitioner has already undergone 01 month and 09 days of actual custody out of total sentence of 01 year. Apart from that, as per the custody certificate, the petitioner is a senior citizen and is a first



offender. Even the sentence imposed upon him was suspended by this Court on 01.10.2012 and in the last more than 13 years, he had maintained good conduct.

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.2,00,000/-, 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 Darshana Devi, 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 23.08.2012, passed by the Court of Additional Sessions Judge, Ludhiana and the impugned judgment dated 25.10.2010, passed by the Judicial Magistrate Ist Class, Ludhiana, 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.

23.04.2026
sunil

(N.S.SHEKHAWAT)
JUDGE

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