



CRR-2167-2007 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRR-2167-2007 (O&M)  
Reserved on:-04.02.2026  
Pronounced on:- 10.02.2026  
Uploaded on:-13.02.2026

Whether only operative part of the judgment is  
Pronounced or the full judgment is pronounced:                      operative                      part/full  
judgment

Jagat Ram (since deceased) through LR                      ....Petitioner

VERSUS

State of Punjab                      ....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present:        Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. Sahil Chowdhary, AAG Punjab.

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**MANDEEP PANNU J. (Oral)**

1.                The present criminal revision has been preferred by the petitioner, against the judgment dated 22.10.2007 passed by the learned Additional Sessions Judge, Rupnanagar and judgment of conviction and the order of sentence dated 22.11.2004 passed by the Court of the learned Sub Division Judicial Magistrate, Anandpur Sahib, in    FIR No.6 dated 25.01.1999, registered under Sections 279, 337, 338 and 427 IPC at Police Station Nangal, whereby the petitioner was held guilty for the commission of offences punishable under Sections 279, 337, 338 IPC of the Indian Penal Code and was sentenced as follows:

| Under Section   | Imprisonment awarded | Fine      | Imprisonment in default of payment of fine |
|-----------------|----------------------|-----------|--------------------------------------------|
| Section 279 IPC | R.I. for 06 months   | Rs.500/-  | S.I. for 15 days                           |
| Section 337 IPC | R.I for 06 months    | Rs.500/-  | S.I. for 15 days                           |
| Section 338 IPC | R.I for 01 year      | Rs.1000/- | S.I. for 15 days                           |



It was also ordered that all the sentences shall run concurrently.

2. As per the prosecution case, on 24.01.1999 at about 11:30 AM, the complainant Amar Nath along with his wife Uma Devi was travelling on scooter No. PBW-6964 towards Kishanpur. It was alleged that near the Police Post, Nangal Dam, a bus bearing No. HP-53-0211, belonging to Baijnath Depot, Himachal Pradesh, allegedly driven by the accused Jagat Ram, came from the Una side at a high speed and hit the scooter from behind. It was alleged that due to the impact, both the occupants fell down and the front wheel of the bus ran over the legs of Uma Devi, causing grievous injuries, while Amar Nath allegedly sustained simple injuries. Initially, the injured Uma Devi was taken to BBMB Hospital, Nangal, from where she was referred to NFL, Naya Nangal and thereafter shifted to Government Hospital, Sector-32, Chandigarh. A ruqa was sent by the hospital on 24.01.1999, and the statement of Amar Nath was recorded on 25.01.1999, after which the FIR was registered with a delay of about 30 hours.

3. After completion of investigation, the police filed a challan against the accused under Sections 279, 337, 338 and 427 IPC. Copies under Section 207 Cr.P.C. were supplied, and charges were framed, to which the accused pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined ten witnesses. PW-1 Uma Devi (injured) deposed regarding the occurrence but categorically stated that she did not see the driver of the bus and came to know about his identity only through police officials. PW-3 Amar Nath, complainant, claimed to have seen the petitioner driving the bus and attributed the accident to rash and negligent driving.



5. The prosecution also examined medical witnesses to prove the nature of injuries, mechanical experts to prove the condition of the vehicles, and the Investigating Officer to prove the investigation. Medical evidence indicated that Uma Devi sustained both simple and grievous injuries, whereas Amar Nath sustained simple injuries.

6. Upon closure of prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded, wherein he denied all allegations, pleaded false implication, and asserted that the prosecution had failed to prove its case beyond reasonable doubt. No defence evidence was led.

7. The Learned Trial Court framed points for determination regarding (i) identity of the driver, (ii) rashness and negligence, and (iii) causation of injuries. After evaluating the oral and documentary evidence, the Learned Trial Court held that the delay in registration of FIR was satisfactorily explained on the ground that priority was given to medical treatment of the injured.

8. The Learned Trial Court further held that although PW-1 did not identify the driver, the testimony of PW-3 Amar Nath was sufficient to establish the identity of the petitioner as the driver of the offending bus, and that rash and negligent driving stood proved on the basis of ocular testimony, photographs of the spot, medical evidence, and mechanical inspection reports.

9. Consequently, the Learned Trial Court convicted the petitioner under Sections 279, 337, 338 and 427 IPC, holding that the prosecution had successfully established the guilt of the petitioner beyond reasonable doubt.

10. Feeling aggrieved by the aforesaid judgment of conviction and order of sentence dated 22.11.2004, accused preferred an appeal before the learned Sessions Judge, Rupnagar, who after re-appreciating the evidence on record,

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upheld the judgment of conviction and order of sentence of the accused and dismissed the appeal vide judgment dated 22.10.2007.

11. Aggrieved by the judgments of both the Courts below the accused preferred the present revision petition. It is pertinent to mention here that petitioner- Jagat Ram expired during the pendency of the present revision petition. Anil Kumar son of Jagat Ram had filed an application bearing CRM-9009-2025 duly supported by his affidavit and death certificate of Jagat Ram.

12. Consequently, the application bearing No.CRM-9009-2025 filed by Anil Kumar son of the deceased petitioner, is allowed to the extent that he can pursue the present revision on behalf of his deceased father. Mr. Ramneek Vasudeva, Advocate has filed his power of attorney on behalf of the legal representative – Anil Kumar s/o Jagat Ram (since deceased). Registry is directed to make necessary addition/correct in the memo of parties.

13. Learned counsel for the petitioner contended that the judgment of conviction and order of sentence are illegal, erroneous and contrary to the evidence on record and are liable to be set aside. It was submitted that the findings recorded by the learned trial Court are based on surmises and conjectures and are not sustainable in the eyes of law.

14. Learned counsel for the petitioner has contended that the burden was squarely upon the prosecution to prove that the petitioner Jagat Ram (since deceased) was driving the offending vehicle in a rash and negligent manner at the relevant time. It is not disputed that the petitioner was driving the bus in question, however, the core issue involved in the present case is whether the manner of driving was rash and negligent so as to attract criminal liability under the relevant provisions of the IPC. It is argued that the prosecution has miserably failed to



discharge this burden. Learned counsel submits that as per the prosecution's own case, the bus was being driven on the correct side of the road, i.e. the left side, and struck the scooter from behind. It has further come in the testimony of both the occupants of the scooter that they did not see the bus approaching from the backside prior to the impact. In such circumstances, their subsequent assertion that the bus was being driven in a rash and negligent manner is nothing but an inferential and opinion-based statement, unsupported by any direct observation. It is contended that when the witnesses themselves admit that they had not seen the bus before the accident, their testimony regarding the manner of driving cannot be safely relied upon to sustain a conviction. It is thus argued that mere factum of collision from behind does not ipso facto establish rashness or negligence in the absence of cogent and reliable evidence.

15. On the other hand, learned State counsel has argued that the prosecution has been able to prove on record the rash and negligent act of the driver of the bus. It is submitted that there is no dispute that Jagat Ram (since deceased) was driving the bus at the relevant time. The prosecution witnesses have categorically deposed in their examination-in-chief that the driver was driving the bus at a high speed and in a rash and negligent manner and that the bus struck the scooter from behind. It is, therefore, contended that the ocular testimony of the material witnesses, duly supported by the medical and other evidence on record, clearly establishes the guilt of the accused beyond reasonable doubt. Learned State counsel submits that both the Courts below have rightly appreciated the evidence in its proper perspective and have recorded well-reasoned findings of conviction, which do not suffer from any illegality or perversity warranting interference in revision.



16 I have heard learned counsel for the appellant and learned State counsel at length and have carefully gone through the impugned judgment, the evidence on record and the submissions advanced.

17. Upon a re-appreciation of the entire evidence on record, this Court finds that the prosecution has failed to establish the essential ingredients of rashness and negligence against the appellant beyond reasonable doubt. Both the material prosecution witnesses, who were themselves travelling on the scooter, have categorically deposed that they were moving at a speed of about 35–40 kilometers per hour and that they did not see the bus prior to the occurrence. Once the witnesses admit that they had no occasion to notice the bus before the impact, their subsequent assertion that the bus was being driven in a rash and negligent manner is clearly an inferential and opinion-based statement, unsupported by any direct or objective observation. Significantly, the witnesses have further stated that they were riding on the left side of the road, which necessarily implies that the bus was also being driven on the correct side of the road, thereby ruling out any presumption of negligent lane usage on the part of the appellant. Merely because the bus is stated to have struck the scooter from behind, no automatic inference of rashness or negligence can be drawn, particularly in the absence of any evidence regarding the speed of the bus, violation of traffic rules, sudden application of brakes by the scooter, road conditions, or the prevailing traffic situation. There is no corroborative material such as skid marks, or independent eyewitness testimony to substantiate the allegation of negligent driving. In criminal jurisprudence, negligence has to be gross and culpable, and not merely based on conjectures or hindsight opinions.

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18 In view of these material contradictions and omissions, the prosecution version becomes doubtful, entitling the petitioner to the benefit of doubt. Consequently, the finding of guilt recorded by the learned trial court cannot be sustained, and the petitioner is entitled to acquittal.

19. Accordingly, the present criminal revision petition is allowed. The judgments dated 22.10.2007 passed by the learned Additional Sessions Judge, Rupnagar and dated 22.11.2004 passed by the learned Sub Divisional Judicial Magistrate, Anandpur Sahib, arising out of FIR No. 6 dated 25.01.1999 registered under Sections 279, 337, 338 and 427 IPC at Police Station Nangal, are hereby set aside. The petitioner Jagat Ram (since deceased) is acquitted of the charges framed against him by extending the benefit of doubt.

February 10, 2026  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No