



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

FAO-4690-2005 (O&M)

Date of Decision: 07.07.2026

PUNJAB STATE & ORS.

....Appellants

Versus

KUNAL GUPTA & ORS.

...Respondents

FAO-4691-2005 (O&M)

GENERAL MANAGER PUNJAB ROADWAYS & ORS.

....Appellants

Versus

LACHHMAN & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Dr. D. S. Lamba, Addl. A. G. Punjab
Mr. Gurpreet Singh Fateh, Sr. DAG, Punjab.

Mr. Paramjeet Singh, DAG, Haryana.

PARMOD GOYAL, J. (ORAL)

Present appeals have been preferred by the State of Punjab as well as Punjab Roadways being aggrieved by impugned award dated 14.08.2004 passed by learned Motor Accident Claims Tribunal, Panchkula in claim arising from accident dated 01.04.2000, vide which all the issues were decided in favour of claimants and against appellants herein holding the appellants liable to pay compensation jointly and severally to the claimants.

2. Learned Tribunal had based its findings on the evidence of

Sadhu Ram-PW1 driver of ill-fated Haryana Roadways bus bearing registration No.HR-45-0412 which had suffered damages on account of the accident caused by bus owned by appellant/Punjab Roadways having registration No.PB-12-B-9711 (hereinafter referred to as “**offending vehicle**”) which was coming from the opposite direction in a rash and negligent manner.

3. Learned Tribunal has also taken note of the fact that the FIR No.49 dated 01.04.2000 Ex.P-39 was duly lodged against the driver of Punjab Roadways bus owned by appellants and concluded that Sukhdev Singh respondent No.1-driver of the offending vehicle had caused accident due to rash and negligent driving and accordingly, compensation of Rs.3,14,000/- was awarded to the claimants in FAO No.4691-2005 and Rs.9,69,140/- in FAO No.4690-2005.

4. Learned counsel for the appellant has challenged the findings of rash and negligent driving recorded by learned Tribunal on twin grounds i.e.:-

- (i) in criminal trial arising out of FIR No.49 dated 01.04.2000 under Sections 279, 336, 337, 338, 304-A IPC, respondent No.1-driver of offending vehicle was acquitted and
- (ii) that author of FIR i.e. cleaner of Haryana Roadways bus was not examined by the claimants.

5. Therefore, the learned Tribunal has wrongly concluded that accident was caused by respondent No.1 while driving offending vehicle owned by the appellants.

6. On first look, the arguments raised on behalf of learned counsel

for the appellants looks to be attractive, however, when same are tested on principle of law that the findings of criminal Court are not binding upon learned Civil Court as standard of proof in both civil and criminal cases is different. In motor accident claim cases, the standard of proof is preponderance of probabilities whereas, standard of proof in criminal case is to prove the case beyond reasonable doubt. The benefit of doubt in a criminal case is always given to the accused whereas, the evidence in a motor accident claims case is appreciated on the preponderance of probabilities.

7. In the present case, no doubt the author of FIR i.e. cleaner of Haryana Roadways bus which was struck by offending vehicle was not examined. However, another eye-witness driver of the said bus Sadhu Ram was examined as PW-1 and he had duly stated that accident was caused by respondent No.1 due to his rash and negligent driving. The evidence of PW-1 has been duly appreciated by learned Tribunal in detail and learned Tribunal has found said evidence to be cogent and reliable being duly corroborated by prompt lodging of FIR on date of accident itself i.e. 01.04.2000. The presence of driver of Haryana Roadways bus i.e. PW-1 at the time of accident was not even challenged by appellants.

8. Perusal of FIR Ex.P39 in fact goes to show that the manner of accident as stated by Sadhu Ram PW-1 is same as was stated by its author on 01.04.2000. The presence of PW-1 being the bus driver of bus, which has suffered damages is also not in doubt and has not been challenged by the respondents. In fact, no evidence has been led by respondents to show manner of accident or prove that the manner of accident as was stated by

PW-1 is wrong or false. The evidence of PW-1 in fact is not only reliable but has gone unrebutted and therefore, learned Tribunal has rightly considered and relied upon evidence of PW-1 along with contents of FIR Ex.P39.

9. I do not find any error in the conclusion drawn by learned Tribunal, similarly, non-examination of author of FIR is not fatal to the case of claimants-respondents as it is the quality of evidence and not the quantity of evidence which matters. In fact, presence of PW-1 who was driving the bus is not doubted or could not be shown to be false by the respondents. If one of the eye-witnesses has come before the Court and has proved the manner of occurrence and said manner of occurrence so stated by such eye-witness has gone unrebutted, then it is not necessary to examine other eye-witnesses along with author of FIR. It is the trustworthiness and reliability of witness which matters. A single witness if found to be reliable and trustworthy can be relied upon in absence of other witnesses. There is no principle to appreciate evidence only on examination of all the eye-witnesses. Therefore, non-examination of author of FIR No.49 Ex.P-39 in the facts and circumstances of the present case has no effect on conclusion drawn by learned Tribunal and this Court as evidence of eye-witness Sadhu Ram PW-1 has been found to be reliable.

10. In view of above discussion, there is no merit in the present appeals, both the appeals are accordingly, dismissed.

11. Pending application(s), if any, is/are disposed of accordingly.

07.07.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No