

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-2165-MA-2016

Date of decision: 27.09.2018

Lakhbir Singh

..... Applicant

Versus

Sate of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. LS Sidhu, Advocate for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(4) Cr.P.C., prayer has been made for grant of leave to appeal against the impugned judgment dated 14.09.2016 of the trial Court, acquitting respondent No. 2-Paramjit Singh, from the charges framed against him.

Briefly, on 17.05.2012 applicant-Lakhbir Singh along with his wife was driving his motorcycle and when tried to overtake a stationary car, on the round about near Chawla Hospital, Mohali, respondent-Paramjit Singh, driver of the offending car, suddenly moved it and hit the left side of motorcycle of the applicant. As a result thereof, the applicant and his wife fell down on the road, receiving multiple injuries. Thereafter, the applicant and his wife were shifted to Indus Hospital, Mohali, where he was admitted whereas his wife was referred to Government Medical College and Hospital, Sector-32, Chandigarh.

With these broad allegations, FIR No. 60 dated 29.05.2012 under Sections 279, 338 and 427 IPC was registered against respondent

No. 2 at Police Station Matour.

After holding trial, respondent No. 2 was acquitted by the trial Court vide judgment dated 14.09.2016, impugned herein.

Learned counsel for the applicant *inter alia* contends that the trial Court has erred in acquitting respondent No. 2-Paramjit Singh by ignoring cogent and convincing evidence led by the prosecution, on the ground that the description of the offending car disclosed by the petitioner to the police was different which was taken into possession without appreciating that applicant being a layman could not make distinction in models of both the cars. Trial Court also failed to appreciate that respondent No. 2 had accompanied the applicant to the hospital which proves his complicity.

Having given thoughtful consideration to the submissions made by learned counsel for the applicant, this Court finds no merit in the instant application, for the reasons to follow:

According to the applicant, the car which had caused accident was make 'Skoda'. During investigation, the same was not found involved, rather, car make 'Honda City' was termed as offending vehicle. This discrepancy in the description of the model of alleged offending car being major one has rightly created doubt in the story of the complainant.

More so, there was unexplained and inordinate delay of 12 days in lodging the FIR. The plea for delay in registration of FIR taken by the applicant that talks of compromise were going on does not seem to be genuine and, therefore, has rightly been rejected by the trial Court. While appearing in the witness-box as PW-1 the applicant did not depose that talks of compromise were ever going on in between him and respondent No. 2.

Therefore, delay in lodging the FIR remained un-explained.

That apart, statement of the applicant before the trial Court was discrepant to his earlier statement made by him before the police under Section 161 Cr.P.C.

I have carefully gone through the impugned judgment of acquittal of the trial Court and find no illegality or perversity in the same.

Leave to appeal is declined

September 27, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No