

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

CRM-M-3936-2019
Date of Decision:-11.03.2019

Tulsi Ram

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S.Jagpal, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Tulsi Ram/complainant has approached this Court seeking issuance of direction to the respondents to submit a supplementary challan in case FIR No.224 dated 22.7.2017 under Sections 279, 304, 427, 338 of the Indian Penal Code, Police Station Salem Tabri, District Ludhiana.
2. The FIR had been lodged at the instance of petitioner wherein it has been alleged that on the day of occurrence he and his son were sitting in the street wherein his grandson Ramji and a girl namely Anamika were playing. It is alleged that a car driven by accused

who was in inebriated condition came at a high speed in a rash and negligent manner and hit against the children as a result of which his grandson Ramji died at the spot while Anamika sustained injuries.

3. The matter was investigated and challan was filed by the police. Charges were framed against the accused, who is facing trial. During the course of trial statement of the complainant was recorded wherein during his examination-in-chief he stated that his grandson Ramji was playing inside their house along with Anamika and that the car had banged straight into their house and after breaking the wall it entered inside the house crushing his grandson Ramji who died at the spot.
4. Since the aforesaid version is slightly different from the version as was put forth in the FIR wherein complainant stated that his grandson was playing in the street, the learned Additional Public Prosecutor chose to get the complainant declared as hostile and cross-examined him with the permission of the Court. Learned counsel for the petitioner has informed that in fact PW-2 and PW-3 i.e. son and daughter-in-law have also stated identically and who have also been declared hostile. The complainant is aggrieved by him as well as his son and daughter-in-law having been declared hostile as he apprehends that their statements may not be relied upon.
5. I have heard learned counsel for the petitioner. The petition is disposed of by clarifying that the mere fact that the witnesses have been declared hostile is not necessarily to mean that their entire

statements are to be washed off and that their statements would be considered by the trial Court keeping in view all the evidence led by the prosecution and whatever part of statement is found to be trustworthy and is corroborated, the same would be looked into along with other evidence on record. Further that in case there is any other evidence on record to suggest that the accused was under the influence of liquor, the same shall also be looked into.

11.03.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No