

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 5250 of 2006
Date of decision: 21.08.2019

Bimal Kumar

...Appellant

V/s.

Jaswinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Inderjit Sharma, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for respondent No. 3.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award of the Tribunal dated 03.10.2006 whereby his claim petition has been dismissed on the ground that FIR No. 55 dated 15.03.2003 under Sections 279 and 337 IPC (Ex.P1) was registered after delay of approximately 20 hours. The accident took place on 14.03.2003 at about 9 p.m. and the FIR was registered on 15.03.2003 at about 05:15 p.m. The FIR is Ex.P1 and the name of the driver and number of the vehicle was mentioned therein. The claimant appeared before the Tribunal as PW1, who was the pillion rider and suffered injuries. He appeared and admitted in his cross-examination that his brother Om Parkash reached at the place of accident within 15 minutes and made a telephonic call to the police and a police constable came at the site and took the injured to the hospital. However the claim petition has been dismissed on the ground that statement of PW1-Bimal Kumar was recorded immediately and the delay in lodging the FIR was not explained. The reason that the injured was getting treatment, was not

plausible. This ground is liable to be rejected as both the witnesses were injured and they were taken to the hospital by the police constable and hence the delay of 20 hours in lodging the FIR is acceptable.

Hence, appeal is allowed and award dated 03.10.2006 is being set aside with a direction to the MACT, Ambala to assess the compensation keeping in view the nature of injuries suffered by the claimant and the report be sent within three months from the date of receipt of certified copy of this order.

Parties are directed to appear before MACT, Ambala on 10.09.2019.

(RITU BAHRI)
JUDGE

21.08.2019
Divyanshi

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