

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

CRR-3088-2017

Date of decision: 14.11.2022

SATINDER SINGH

...Petitioner

V/s

STATE OF PUNJAB AND ANR

...Respondents

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kapil Khanna, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

By way of present petition, petitioner has assailed the order dated 26.05.2017, passed by the Additional Sessions Judge, Fatehgarh Sahib in Criminal Appeal No.132 of 2016 affirming the judgment dated 22.03.2016 passed by Judicial Magistrate Ist Class, Fatehgarh Sahib, whereby accused-respondent No. 2 was acquitted in FIR No. 36 dated 29.04.2012 registered under Sections 279/427/304-A of the Indian Penal Code at Police Station Bassi Pathana.

Learned counsel for the petitioner contends that learned trial Court as well as learned appellate Court did not appreciate the evidence properly and delivered the judgment on the basis of conjectures and surmises. It is further submitted that learned Courts below have failed to appreciate the evidence led by PW-1 and PW-2 i.e. complainant, namely, Satinder Singh and eye witness Harpal Singh respectively, who stated the fact that they were on separate motorcycle 500 yards away from the bike bearing No.PB-23G-3111 (T), which met with an accident on which son of Harpal Singh namely Jiwan Singh and pillion rider Pushpinder Singh were riders. He further submits that learned Courts below have wrongly ignored the statement made by eye-witnesses.

Notice of motion.

At this stage, Mr. Jashandeep Singh, AAG Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

I have heard learned counsel for the petitioner at length and gone through the case file with his able assistance.

This Court is of the view that prosecution has failed to prove the presence of the accused-respondent No. 2 at the place of occurrence as the complainant (petitioner herein) and PW-2, as per their own version, were at a gap of 500 yards from the motorcycle of the victim and as the accident is alleged to have occurred at 09.30 PM and lights of the motorcycle were not on. So it is highly improbable that in such pitch dark situation, the complainant (petitioner herein) would have witnessed the accident or have seen the accused-respondent No. 2. Learned Court below has also placed reliance upon the judgment of Hon'ble Supreme Court in '*Heera Vs. State of Rajasthan 2007(3) RCR Crl 517*', wherein it has been observed that much evidentiary value cannot be attached to the identification of the accused in Court where identifying witness is total stranger and who had just a feeling glimpse of the person identified or who has no particular reason to remember the person concerned.

Thus, this Court is not inclined to interfere with the well-reasoned orders/judgments passed by the Courts below.

In view of the above, the present revision petition, being devoid of any merit, is hereby dismissed.

(DEEPAK MANCHANDA)
JUDGE

14.11.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No