

108**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-16554-2023 (O&M)****Date of decision : 05.04.2023**

Dater Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ishnoor Singh Bains, Advocate,
for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') for directing the respondents to submit an Accident Information Report along with report under Section 173 Cr.P.C. in FIR No.64 dated 10.03.2022, registered under Sections 279, 304-A & 427 of the Indian Penal Code, 1860 (*for short 'the IPC'*), at Police Station City Kharar, District SAS Nagar, Mohali.

2. Notice of motion to respondent Nos.1 to 5 only.
3. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of the respondent(s)-State and its officers.
4. It is contended by learned counsel for the petitioner that in view of the provisions of Section 159 of the Motor Vehicles Act, 1988,

(for short, 'the Act'), read with Clause 11 & 12 (Annexure XIII), Rule 150A of the Central Motor Vehicles (fifth Amendment) Rules, 2022, it is obligatory upon Investigating Officer to submit a Detailed Accident Report (for short, 'DAR') in the prescribed format (Form VII) to the Motor Accident Claims Tribunal (for short, 'the Tribunal') within 90 days from the date of accident. Further submitted that in the present case, the accident had taken place on 10.03.2022 and a period of more than 01 year has already elapsed, but no such report has been submitted in the matter till date.

5. Learned State counsel, after obtaining instructions from ASI Sanjay Kumar, instead of opposing the plea raised on behalf of the petitioner, fairly submitted that needful shall be done as per law within a period of 02 weeks.

6. Heard both sides and perused the paper-book.

7. For reference, it would be appropriate to recapitulate Section 159 as well as Clauses 11 & 12 (*ibid*) and which read as under:-

“159. Information to be given regarding accident.-- The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.

Rule 150A - Procedure for Investigation of Road Accident

...

Annexure XIII

Procedure for Investigation of Motor Vehicle Accidents*1 to 10.****11. Investigation of the criminal case to be completed by the police within sixty (60) days of the accident****The Investigating Officer shall complete the investigation of the criminal case and file the Report under Section 173 of the Code of Criminal Procedure before the concerned criminal court within sixty (60) days of the accident, and shall submit a copy of the said report along with the DAR submitted before the Claims Tribunal.****12. DAR to be submitted by the Investigating Officer before the Claims Tribunal****The Investigating Officer shall complete the verification of the information and documents further in this Annexure, and submit the DAR in Form VII to the Claims Tribunal, within ninety (90) days from the date of the accident. The DAR shall be accompanied with the following documents:-*

- (a) Site Plan as per Form VIII;*
- (b) Mechanical Inspection Report as per Form IX;*
- (c) Verification Report as per Form X;*
- (d) Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974).”*

8. A bare perusal of the Clause 12 extracted hereinabove clearly reveals that the Investigating Officer is under obligations to complete the verification of the information as well as documents and to submit a DAR in the Form VII before learned Tribunal within 90 days from the date of an accident.

9. As noticed hereinabove, in the present case, the accident is alleged to have taken place on 10.03.2022; thus the Investigating

Officer-respondent No.5 ought to have submitted the DAR within 90 days, i.e. upto 09.06.2022, but the same is still awaited.

10. In view of the above, respondent No.2 is hereby directed to submit the DAR before learned Tribunal at the earliest, but not later than 01.05.2023.

11. Before parting with this order, it would also be appropriate to direct the Senior Superintendent of Police, SAS Nagar, Mohali, to file a status report by 31.05.2023, to ascertain the pending DARs arising out of the motor vehicle accidents in the District SAS Nagar, Mohali, where period of 90 days is already over, but DAR(s) are yet to be submitted.

12. Disposed off accordingly.

Copy of this order be sent to the quarters concerned by Registry of this Court for necessary compliance.

05.04.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No