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

CRR-667-2015

Date of decision : 16.08.2023

Balkar Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lavish Arora, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Iqbaldeep Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J.

Complainant is in revision against the order passed by Appellate Court whereby the accused-respondent No.2 has been ordered to be acquitted accepting the appeal preferred by him setting aside judgment of conviction and order of sentence dated 14.11.2013 passed by the trial Court.

2. Respondent was booked in FIR No.157 dated 08.12.2009, registered for the offence punishable under Section 304-A IPC qua an incident wherein Dogar Singh lost his life in a motor vehicle accident alleged to have been caused by some vehicle. It was claimed that Head Constable Jarnail Singh during investigation found three broken pieces of number plate alleged to be of offending vehicle. On joining the pieces, number of vehicle was found to be PB05 N-9288. Trial Court relied upon testimony of PW-1 Balkar Singh-the complainant and

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Gurwinder Singh PW-2 and convicted respondent No.2 for offence punishable under Section 304-A IPC and awarded him a sentence of R.I. for 02 years with fine Rs.500/- and in default of payment of fine to further undergo S.I. for one month.

3. In the appeal preferred by respondent No.2, Appellate Court found that it is an admitted case of prosecution that neither Balkar Singh PW-1 nor Gurwinder Singh PW-2 is eye witness to the accident and thus reliance thereupon by the trial Court to hold accused guilty was not sustainable. It has been further found by the Appellate Court that from broken pieces of the number plate, the offending vehicle can be ascertained but not the driver. It has further come on record that on verification, DTO Ferozepur informed the prosecution that the vehicle No.PB05 N-9288 was registered under the ownership of Chhinderpal Singh. Admittedly, Chhinderpal Singh has not been examined by the prosecution.

4. In view of above, Appellate Court found that prosecution failed to prove beyond doubt that respondent No.2 was driving the offending vehicle and thus cannot be held guilty of offence punishable under Section 304-A IPC and acquitted him.

5. Counsel for the petitioner does not dispute that neither of PW-1 and PW-2 was the eye witness to the accident nor does he deny that the involvement of vehicle bearing registration No.PB05 N-9288 cannot drive home guilt against respondent No.2-accused.

6. In view of above, this Court does not find that the Appellate Court erred in setting aside the judgment passed by the trial Court or erred in law while acquitting the respondent which would

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warrant interference by this Court in exercise of revisional jurisdiction.

7. Consequently, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

16.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No