

2023:PHHC:065804

CRR-2233-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2233-2018 (O&M)
Date of Decision: 02.05.2023

Manpreet Singh

... Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Neha Awasthi, Amicus Curiae,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 04.12.2017 passed by the Additional Sessions Judge, Sangrur whereby the appeal filed against the judgment of conviction and order of sentence dated 13.12.2016 passed by the Sub Divisional Judicial Magistrate, Dhuri has been dismissed.

2. The brief facts are that on 31.5.2013, a telephonic message was received regarding the death of a person in an accident near village Ghanauri Kalan, on which HC Randhir Singh along with other police officials reached at the spot, where Chamkaur Singh got recorded his statement that his sister Swaranjit Kaur was married to Ajaib Singh at village Ghanauri Khurd. His

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nephew Manpreet Singh along with Jatinder Singh of his village were going on motorcycle bearing no. PB-10B-P-0954 from Sherpur towards Ghanauri Khurd and he was behind them on his motorcycle bearing no PB-13Q-8373 When the motorcycle of his nephew, which was being driven by his nephew, reached near Himalya Public School, Ghanauri Kalan, then a Verna car, the number which he could read as No. DL-8600 came from the back side and over took the vehicle of his nephew and suddenly applied brakes of the car in front of the motorcycle of his nephew. Due to this, the motorcycle of his nephew collided with the said car from its rear side and both of them fell on the road on the right side. Then the front tyre of a tractor trolley which was coming from the front side at a very high speed went over the head of his nephew Manpreet Singh and his nephew died at the spot. Jatinder Singh sustained many injuries. The incident had occurred to the negligence of the driver of the Verna and due to the high speed of the said tractor. He came to know the name of the driver of the tractor as Pritpal Singh but he did not come to know the name of the driver of the car as he became perplexed due to the death of his nephew. The car driver fled away from the spot along with the car. On the basis of this statement, a ruqa was sent to the police station through PHG Harpal Singh to lodge the FIR. The accidented motorcycle along with the tractor trolley were taken into police possession vide separate memos. Form 25.35 was prepared. Statement under Section 175 Cr.P.C were recorded. The post-mortem of the deceased was got conducted. Site plan at the spot was prepared. Statements under Section 161 Cr.P.C were recorded. The parcel of clothes of the deceased was taken into police possession. During investigation, accused/petitioner Manpreet Singh was arrested on 02.06.2013. His arrest memo and personal search memo were prepared. The Verna car along with

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its RC and the RC of the tractor were also taken into police possession. Driving licenses of the accused were also taken into police possession, After completion of investigation, the challan against the accused was presented in the Court

3. On appearance, complete copies of the documents were supplied to the accused free of cost as required under section 207 of Cr.P.C.

4. Finding a prima facie case, charges under Sections 279/304-A/337/427 IPC were framed against the accused persons, to which they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW1 Gurtej Singh MTC, SDM Office, Nabha, PW2 complainant Chamkaur Singh, PW3 injured Jatinder Singh, PW4 ASI Gurmeet Singh, PW5 HC Raghbir Singh, PW6 HC Sarabjit Singh, PW7 IO ASI Randhir Singh, PW8 Dr. Sukhvir Singh, PW9 Dr. Jagmohan Singh and thereafter, the APP for the State tendered the RC of the car bearing no. DL-3CAQ-8600 Ex. PA, driving license of accused Manpreet Singh Ex. PB, RC of the tractor bearing no. PB-56-6307 Ex. PC and the driving license of accused Pritpal Singh Ex. PD and thereafter the prosecution evidence was closed by order.

6. On closure of the prosecution evidence, all the incriminating circumstances appearing in the prosecution evidence were put to the accused in their statements under Section 313 Cr.P.C to which accused Manpreet Singh pleaded that he was innocent and had not committed any offence. There was no involvement or connection with regard to the alleged accident with him as well as his car and the police had falsely implicated him and his car in the case. Accused Pritpal Singh also pleaded that he was innocent and had not committed any offence and the case was false. He was not present at the time of the

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accident and the registration of the tractor was not in his name. He had been falsely implicated in the case.

7. In defence, the counsel for the accused tendered a certified copy of the statement of Chamkaur Singh Ex. D1 and thereafter, the accused closed the defence evidence.

8. In order to prove its case, the prosecution examined PW2 complainant Chamkaur Singh, who deposed as per the prosecution story. He further deposed regarding his statement Ex. P3, recovery memo of the motorcycle of his nephew and the tractor trolley Ex. P4 and Ex. P5, recovery memo of the RC of the Verna car and driving license of accused Manpreet Singh Ex. P6, recovery memo of the RC of the tractor and driving license of accused Pritpal Singh Ex. P7, arrest memos of accused Ex. P8 and Ex. P9, their personal search memos Ex. P10 and Ex. P11, Verna Car Ex. MO1, Tractor Trolley Ex. MO2 and Ex. MO3.

9. PW3 Jatinder Singh, who was the injured in the alleged accident, deposed as per the prosecution story. He further deposed regarding the accidented motorcycle Ex. MO4, Verna car Ex. MO1 and the tractor trolley Ex. MO2 and Ex. MO3.

10. PW7 ASI Randhir Singh, who is the Investigating Officer in this case, also deposed as per the prosecution story. He further deposed regarding the statement of the complainant Ex. P3, his endorsement Ex. PW7/A, FIR Ex. PW7/B, inquest report Ex. PW7/C, photographs Ex. PW7/D to Ex. PW7/J, site plan Ex. PW7/K, recovery memo of the accidented motorcycle Ex. P5, recovery memo of tractor trolley Ex. P5, his application Ex. PW7/A, his application Ex. PW7/L and endorsement of the doctor on the same Ex. PW7/K, recovery memo

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of parcel of clothes of deceased Ex. PW5/C, his application Ex. PW7/N, recovery memo of the car along with its RC Ex. P6, recovery memo of the RC of the tractor along with driving license of accused Pritpal Singh Ex. P7. their arrest memos Ex. P8 and Ex. P9, their personal search memos Ex. P10 and Ex. P11, his applications Ex. Pw7/O to Ex. Pw7/S, recovery memo of photographs Ex. PW7/T.

11. PW1 Gurtej Singh MTC, SDM Office, Nabha, deposed regarding the driving license of accused Pritpal Singh and further deposed that the same was valid for a scooter and a car only. He further deposed regarding the report Ex. P1 made on police request mark A and the driving license Ex. P2.

12. PW4 ASI Gurmeet Singh, deposed regarding his mechanical reports of the accidented vehicles Ex. PW4/A to Ex. PW4/C.

13. PW5 HC Raghbir Singh also deposed as per the prosecution story. He further deposed regarding recovery memos of the motorcycle and the tractor trolley Ex. P4 and Ex. P5, application for conducting the post-mortem Ex. PW5/A, receipt regarding handing over the dead body of deceased Ex. PW5/B and recovery memo of the parcel of clothes of the deceased Ex. PW5/C.

14. PW6 HC Sarabjit Singh deposed regarding arrest memos of accused Ex. P8 and ex. P9, their personal search memos Ex P10 and Ex. P11, recovery memo of the tractor along with driving license of accused Pritpal Singh Ex. P7 and recovery memo of driving license is accused Manpreet Singh Ex: P6.

15. PW8 Dr. Sukhvir Singh medico legally examined patient Jatinder Singh and further deposed regarding the injuries sustained on the patient. He further deposed regarding ruqa Ex. PW8/A, bed head ticket of patient Jatinder Singh Ex. PW8/B, his endorsement Ex. PW7/M on the police application and his

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endorsement Ex. PW8/C on the application moved by police dt. 01.06.2013.

16. PW9 Dr. Jagmohan Singh conducted the post-mortem of deceased Manpreet Singh. He deposed regarding the injuries on the dead body of Manpreet Singh and further deposed regarding the post-mortem report Ex. PW9/B and pictorial diagram Ex.PW9/C.

17. Based on the evidence led, while accused-Pritpal Singh was acquitted. Accused-Manpreet Singh was convicted and sentenced as under:

Offence under Sections	Sentence RI/SI	Fine	RI/SI in default of payment of fine
304-A IPC	(RI) 01 year	Rs.5,000/-	(RI) 01 month
279 IPC	(RI) 06 months	—	--

18. Accused-Manpreet Singh preferred an appeal which came to be dismissed vide judgment dated 04.12.2017 passed by the Additional Sessions Judge, Sangrur.

19. The aforementioned judgments i.e. the judgment dated 13.12.2016 passed by the Sub Divisional Judicial Magistrate, Dhuri and the judgement dated 04.12.2017 passed by the Additional Sessions Judge, Sangrur, are under challenge in the present revision petition.

20. The learned counsel for the petitioner contends that the Court had gravely erred by ignoring the fact that PW-2/complainant-Chamkaur Singh and PW-3/injured witness-Jatinder Singh were interested witnesses and were related to the deceased. Therefore, their testimony could not have been relied on. He contends that there was no evidence that the vehicle was being driven in a rash

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and negligent manner. The identification of the petitioner had not been established in accordance with law. Even the medical evidence was contrary to the ocular account. He, thus, contends that the judgments of conviction be set-aside and the petitioner be acquitted of the charges framed against him.

21. The learned counsel for the State, on the other hand, contends that the grounds raised by the petitioner have been dealt with comprehensively by the Trial Court and the Lower Appellate Court. No fault can be found with the judgment of conviction and judgment in appeal where by the judgment of conviction has been affirmed. He, therefore, contends that the present petition being devoid of merits ought to be dismissed.

22. I have heard the learned counsel for the parties and gone through the record.

23. In the instant case, PW-2/complainant-Chamkaur Singh and PW-3/injured witness-Jatinder Singh are the star prosecution witnesses. Their deposition establishes that the offending vehicle was being driven in a rash and negligent manner which led to the death of the deceased. They have clearly and categorically identified the petitioner in the Court. In fact, the petitioner had been produced by one Narinder Singh which fact stands established from the statement of the investigating officer ASI Randhir Singh/PW-7. Therefore, the identity of the petitioner is clearly established. Further, the medical evidence is in consonance with the ocular account. The unnatural death of the deceased is established by way an accident in question. The mechanical reports of the vehicles i.e. the motorcycle, the Verna car and the tractor-trolley also buttress the prosecution version that the accident has taken place in the manner as suggested.

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24. In view of the aforementioned discussion, I find no reason to interfere with the well-reasoned judgments of the Trial Court and the Lower Appellate Court. Therefore, the present revision petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No