

2023: PHHC: 154820

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

CRR-1967-2023 (O&M)
Reserved on: 01.12.2023
Pronounced on: 05.12.2023

PURANMAL

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vikas Gulia, Advocate, for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

Petitioner faced trial in a case arising out of FIR No.12 dated 07.01.2016 registered at Police Station Ganaur, Sonapat under Sections 279/337/304A IPC.

2. Vide judgment dated 08.12.2022 passed by Id. JMIC, Ganaur, the petitioner was convicted under Sections 279 and 304A IPC, though acquitted under Section 337 IPC. He was sentenced to undergo rigorous imprisonment for a period of 6 months and to pay fine of ₹1000/- for committing offence under Section 304A IPC with default sentence. He was further sentenced to undergo rigorous imprisonment for a period of 3 months and to pay fine of ₹1000/- for committing offence under Section 279 IPC with default sentence. Both the sentences were directed to run concurrently. Appeal filed against the said conviction and sentence was dismissed by Id. Additional Sessions Judge, Sonapat on 23.08.2023.

3. Against the aforesaid conviction as recorded by the trial Court on 08.12.2022 and affirmed by the Appellate Court on 23.08.2023, the present revision is filed.

4. It is contended that both the Courts below failed to take note of the fact that complainant-Pankaj was the eye witness of the accident but his testimony does not find corroboration from any independent witness. Besides, as per his testimony, he came to know about the name of the driver, when he had come to his house for the purpose of compromise. Courts below also failed to take note of the fact that MLR and the post-mortem report were not proved on record. Besides, identity of the petitioner as the driver of the offending vehicle was not established and so, in all the circumstances, he deserves to be acquitted by setting aside the judgments passed by the Courts below.

5. Upon notice, Id. State counsel appeared and defended the impugned judgments and prayed for dismissal of the revision.

6. Having considered submission of both the sides, I find no merit in the petition.

7. The testimony of PW7 Pankaj, who proved the manner of accident, cannot be doubted having regard to the fact that he was present in the same car, in which the two deceased Jagjeet and Virender were sitting. He clearly testified that he had noted the registration number of the offending trolla to be RJ-14-GE-2856 and have seen the driver of the offending vehicle. It is clarified by him that as far as name of the driver is concerned, he came to know about the same later on, when said driver came to his home for compromising the matter. In these circumstances, when PW7

had seen the driver-petitioner at the spot itself and simply came to know his name later on, the statement of PW7 does not become doubtful.

8. Further, statement of PW10-Bhawani Singh Rathore, the owner of the offending vehicle is very material, who clearly testified that his vehicle i.e., RJ-14-GE-2856 was being driven by the accused Puranmal on 06.01.2016 i.e., date of accident and that he was informed about the accident on the next date by the driver. PW10 also testified that he had got the vehicle released on superdari and had produced the accused before the Police. He categorically denied the suggestion that accused present in Court was not the driver of his vehicle.

9. No enmity on the part of PW7 to the petitioner-accused is pointed and so, there was no reason for PW7 to depose against the petitioner. Similarly, PW10 was the owner of the offending vehicle, who had employed the petitioner as his driver and so, there is no reason to disbelieve his testimony.

10. As far as not examining the Doctor, who conducted the post-mortem examination, is concerned, it is also immaterial in the facts and circumstances of the case, inasmuch as, when the two deceased were taken to the hospital from the spot, they were declared brought dead. Both the deceased were duly identified by PW1, PW2 and PW6. In these circumstances, in case the trial Court has taken into consideration the post-mortem reports available on record, no fault can be found in it, as there could be no dispute regarding the proximity between the accident and the cause of death.

11. No other point was argued.

12. Having regard to the aforesaid discussion, this Court finds no merit in the revision petition.

Dismissed.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUPTA)
JUDGE

05.12.2023

Vivek

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No