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

CRR-656-2023
Decided on: 03.05.2024

Gurpreet Singh Petitioner

versus

State of Punjab Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Sharma, Advocate
Amicus Curiae for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J. (Oral)

Challenge in the present petition is to the judgment dated 09.01.2023 passed by Addl. Sessions Judge, Patiala whereby the appeal filed against the judgment dated 08.02.2019 passed by JMJC, Patiala was dismissed.

2. Brief facts as per the case set up by the prosecution may be noticed as thus: on 13.12.2014, the complainant Jaspal Singh, along with his brother Jagdish Singh was riding on his motorcycle; complainant was following his nephew Jatinder Singh on another motorcycle driven by Arvinder Singh. On the way, near Rakhra Petrol Pump white Hyundai car bearing registration No.PB-11-BM-0551 driven by Gurpreet Singh (petitioner), recklessly collided with the motorcycle driven by Arvinder Singh. On account of the collision, Arvinder Singh and Jatinder Singh were thrown into nearby wheat field resulting in grievous injuries to which



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they later succumbed in the hospital where they were promptly and immediately shifted by the complainant.

3. The prosecution in support of its case examined as many as 14 witnesses including the complainant, who deposed as PW-1 and other eye witnesses PW-2 Jagdish Singh and PW-3 Harbhajan Singh.

4. During trial, the accused while getting his statement recorded under Section 313 Cr.PC in his defence refuted all the allegations and incriminating evidence, which was put to him and asserted his innocence and false implication in the case in hand. However, the trial Court on the basis of the evidence adduced and the material on record, held the accused guilty under Sections 279 and 304-A IPC vide judgment dated 08.02.2019. The appeal preferred by the petitioner before the Appellate Court was also dismissed vide judgment dated 09.01.2023, leading to the filing of present petition.

5. Learned counsel for the petitioner has assailed the impugned judgments on various counts. Primarily, he has argued that conviction under Section 304-A IPC is unsustainable in the absence of statement from any independent eyewitness, secondly, due to dense fog prevalent at the time and place of the accident in question, the visibility had been reduced to a considerable extent, which fact was ignored by the trial Court. Furthermore, learned counsel has pointed out the discrepancies in the testimony of the complainant coupled with no fault on the part of the petitioner, casting doubt on the veracity of the case put up by the prosecution. It has also been asserted that the investigating agency was



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duty bound to record the statements of independent witnesses, who would have gathered at the time of the alleged occurrence, however, statement of not even a single independent witness was recorded.

6. Per contra, learned State while placing on record the custody certificate of the petitioner has vehemently opposed the submissions made by the counsel for the petitioner. As per custody certificate, the petitioner was released from jail after completing his sentence on 30.11.2023. Learned State counsel has further submitted that the prosecution has successfully proven its case beyond a reasonable doubt.

7. Heard learned counsel for the parties and perused the relevant material available on record.

8. In the instant case, petitioner was named by PW-1 complainant Jaspal Singh at the very first instance along with the number of the offending vehicle i.e. the car being driven by him . Furthermore, the petitioner had been duly identified in Court by the complainant as well as eyewitnesses PW-2 Jagdish Singh and PW-3 Harbhajan Singh. Nothing has been brought on record to dispute the factum of the car in question being driven by the petitioner, much less any suggestion having been put to the complainant in this regard. Learned counsel for the petitioner has further not been able to dispute the fact that upon being injured in the accident, petitioner was admitted in Rajinder Hospital, Patiala along with the deceased Arvinder Singh, and the offending vehicle i.e. car being driven by him was taken from the spot.



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9. After considering the arguments advanced by both the parties and meticulously scrutinizing the record, this Court does not find any infirmity or perversity in the impugned judgments, which deserves to be upheld.

10. As a sequel to the above, present petition being devoid of any merit, stands dismissed.

03.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No