

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-994-2024 (O&M)
Reserved on 02.07.2024
Pronounced on 01.10.2024

Satnam Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. GS Sandhu, Advocate for the petitioner

Mr. Japjot Singh, AAG Punjab

Sandeep Moudgil, J.

(1). This petition under Section 401 CrPC has been filed by the petitioner seeking to quash the judgment and order dated 10.07.2023 passed by JMIC, Ferozepur as well as judgment dated 04.03.2024 passed by Sessions Judge, Ferozepur vide which the petitioner has been convicted and sentenced to undergo RI for two years under Sections 304-A IPC and RI for 6 months under Section 279 IPC in case FIR No.125 dated 26.11.2018 under Sections 304-A & 279 IPC, registered at Police Station Kulgarhi, District Ferozepur.

(2). Learned counsel for the petitioner contends that the judgments and orders passed by both the courts below suffers from material discrepancies and contradictions inasmuch as the identity of the petitioner has been established as to whether it was the petitioner who was driving the fateful vehicle at the time of alleged accident or that the accident was caused by the petitioner. It is further submitted that the both the courts below solely based their finding that the petitioner was named in the FIR and his driving licence was recovered from the offending vehicle which is totally contrary to the statement of the

complainant, Jatinder Singh and the police proceedings ruqa (Ex.PW3/A) conducted by the IO ASI Talwinder Singh on the basis of which the FIR was registered.

(3). The arguments sought to be raised on behalf of the petitioner is that no identification parade was conducted by the investigating agency since it is the prosecution case itself that both the PWs namely Jatinder Singh (complainant) and Sukhchain Singh in their respective statements deposed that after the accident had occurred, the driver of the offending vehicle ran away from the spot and as such, no question of corroboration of the identity by any prosecution witness can be trustworthy.

(4). Learned State counsel argued that the prosecution relied solely on related witnesses, PW1 (the complainant) and PW2 (eye witnesses), but the defense countered that PW1 and PW2 consistently testified as eye witnesses to the incident and their accounts remained unshaken during cross-examination. Therefore, the courts below rightly ruled that the absence of independent witnesses did not undermine the prosecution's case, as the testimony of PW1 and PW2 sufficiently proved the case.

(5). Heard learned counsel for the parties.

(6). I am not in agreement with the submissions made on behalf of the petitioner. As regards recovery of driving licence from the offending vehicle is concerned, the courts below have rightly held that it was for the accused-petitioner to prove as to how his driving licence came there in the offending vehicle once the prosecution has proved that his driving licence was recovered from the said vehicle. Moreover as the affidavit of brother of Sukhwinder Singh Mark-A to whom the vehicle was sold by Sukhpal Singh, it stands

established that the vehicle was in possession of Sukhwinder Singh and therefore, the petitioner being the brother of Sukhwinder Singh, it cannot be ruled out that the petitioner was driving the offending vehicle at the time of accident. Had the petitioner not been driving the vehicle on that day, then he must have brought his brother Sukhwinder Singh into his defence evidence to depose that the vehicle was not being driven by him.

(7). It has also come on record that that the petitioner has nowhere disputed the death of Baljinder Kaur while cross-examining the witnesses and no enmity has been attributed as both the complainant and petitioner-accused belong to the same village.

(8). The judgment in **Chuni Lal versus State of Haryana 2006(1) RCR (CrI) 844** also does not come to the rescue of the petitioner as the facts in the present case are distinguishable. In that case it has been held that the identification of an accused for the first time in Court is no identification in the eyes of law whereas in the present case, the courts below have rightly arrived at the conclusion that the argument raised by the petitioner of wrong implication is marred by the circumstantial evidence viz. recovery of driving licence from the offending vehicle itself coupled with the fact that the IO identified the petitioner and therefore, the contradictions, as alleged, that the petitioner ran away from the spot as has been deposed by ASI Talwinder Singh becomes irrelevant.

(9). True it is that in cases where the accused is a stranger to the witness and there has been no evidence of any kind, the courts should be very cautious while accepting the dock identification by such witness. But in the present case, the fact that the offending vehicle was purchased by the

petitioner’s brother; the driving licence of the petitioner was recovered from the offending vehicle as per the ruqa and recovery memo prepared by IO Talwinder Singh and the complainant Jatinder Singh being the eye-witness and the petitioner being of the same village of which the complainant is also the resident, are some of the facts which have evidentiary value so as to connect the petitioner with the fateful accident and in such circumstances, the findings returned by both the courts below cannot be termed as unreasonable or unlawful.

(10). In view of the above discussion, this Court does not find any material illegality or infirmity in the judgments and orders passed by the courts below.

(11). Dismissed.

01.10.2024
V.Vishal

(Sandeep Moudgil)
Judge

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