



CWP-2853-2025

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

CWP-2853-2025

Date of Decision: 03.02.2025

Phul Kali**.....Petitioner****Vs.****State of Haryana & others****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**********

Present: Mr. Uday Pratap Singh, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

***********HARSH BUNGER J. (ORAL)**

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari to quash the orders dated 06.12.2023 and 26.09.2024 (Annexure P-1 & P-2) passed by respondent No.3 and 2, respectively.

2. Brief facts of the case are that son of the petitioner met with a fatal accident involving an unidentified vehicle on 16.03.2022 and died due the injuries suffered by him. An FIR No.150 dated 16.03.2022 under Sections 279 and 304-A IPC was registered at Police Station Narnaud, Hansi, but the police was unable to trace the driver/owner of the offending vehicle and untraced Cancellation Report is stated to have been prepared.

3. It transpires that the petitioner moved an application to the District Legal Services Authority (DLSA) seeking compensation under the Haryana



Victim Compensation Scheme. However, the same was rejected vide order dated 06.12.2023 (Annexure P-1), primarily on the ground that the same was barred in terms of Clause 5(9) of Haryana Victim Compensation Scheme, 2020. Even an appeal filed by the petitioner against the said order came to be dismissed by the Appellate Authority vide order dated 26.09.2024 (Annexure P-2).

4. Learned counsel for the petitioner *inter alia* submits that the issue as to whether a victim in a hit and run case under the Motor Vehicles Act, can claim compensation under the Haryana Victim Compensation Scheme, 2020 or not; has already been decided by the Co-ordinate Bench of this Hon'ble Court, vide judgment dated 11.12.2024, passed in a bunch of writ petitions, leading case being CWP No.6104 of 2024, wherein, similar orders passed by the District Legal Services Authority as well as the Appellate Authority were set aside and the matter has been remanded to the District Legal Services Authority concerned to take a fresh decision in accordance with law and as per the scheme applicable in view of the said judgment.

5. Notice of motion.

6. Mr. Rajneesh Chadwal, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent/State and seeks an accommodation to get necessary instructions and assist the Court.

7. Learned counsel appearing for the State does not dispute the submissions made on behalf of the petitioner and submits that the present writ petition be also disposed of in terms of the judgment rendered by this Court in CWP No.6104 of 2024.

8. Keeping in view the submissions made on behalf of the counsel for the parties, the present writ petition is partly allowed. The impugned orders



dated 06.12.2023 and 26.09.2024 (Annexure P-1 & P-2) are set aside and the matter is remanded to the concerned District Legal Services Authority to take a fresh decision on the matter in accordance with law and as per the scheme applicable in terms of the judgment dated 11.12.2024, passed in CWP No.6104 of 2024.

9. The writ petition is disposed of accordingly.

February 03, 2025
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(HARSH BUNGER)
JUDGE

Whether Speaking	Yes/No
Whether reportable	Yes/No