



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR No.1254 of 2022 (O&M)
Date of decision: 06.02.2025

Satish
.....Petitioner
Versus
State of Haryana and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parveen Kaushik, Advocate
and Mr. Virender Saini, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM No.21554 of 2022

Prayer in this application filed under Section 5 of the
Limitation Act, read with Section 482 Cr.P.C. is for condonation of
delay of 525 days in filing the revision petition.

Heard.

For the reasons stated in the application, the same is
allowed and delay of 525 days in filing the revision petition is
condoned.

CRR No.1254 of 2022 (O&M)

1. The present revision petition has been preferred against the
judgment dated 06.07.2018 passed by learned Principal Magistrate,
Juvenile Justice Board, Jhajjar, vide which respondent No.2 has been

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acquitted in FIR No.311 dated 21.09.2016 registered under Sections 279 and 304-A IPC at Police Station Beri.

2. Briefly stated, the facts of the case of prosecution are that on 20.09.2016, Suresh Chander son of Ravidat, resident of Lakaria was admitted to PP, Dighal with a history of roadside accident. He was referred to PGIMS, Rohtak, where police officials received reports of injuries sustained by the injured. It was discovered that Suresh Chander had already died. Satish reported that his father had been working in CPWD Delhi and used to go to his office from home. On 20.09.2016, while walking on the Rohtak-Jhajjar service road, he saw his father coming from the front and a motorcycle being ridden recklessly and at high speed collided with him. The offending motorcycle was a black Splendor bearing registration No.HR77A-5990. Satish took his father to CHC, Dighal, where he was referred to PGIMS, Rohtak. At PGIMS, Rohtak, Suresh Chander succumbed to injuries. Thereafter, the FIR (supra) was registered. Investigation was brought into motion. Statements of witnesses were recorded. Accused was arrested and after completion of investigation challan was prepared and presented in the Court.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the main reason for the acquittal of the juvenile is that the prosecution failed to prove his identity and involvement in the crime beyond a reasonable doubt. One of the key issue was the inconsistency

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in the testimony of PW7 Satish, who claimed to have witnessed the accident but could not identify the rider of the motorcycle, nor did he mention the rider's name in the FIR. There were also contradictions regarding the preparation of the site plan and the timing of the juvenile's arrest, with different versions provided by PW7 Satish and the police. Moreover, the prosecution failed to conduct a test identification parade, and Satish only identified Aashish in learned trial Court, without having previously known to him. Since the prosecution couldn't establish the juvenile's identity or prove his rashness or negligence, particularly without a solid site plan, the learned trial Court found the case to be lacking in evidence and acquitted him. As a result, the prosecution failed to prove the juvenile's involvement beyond a reasonable doubt, leading to his acquittal.

4. The power of the Court below to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the learned Court below has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. **(See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of**

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Karnataka, (2007) 4 SCC 415). A Division bench of this Court in the judgment passed in **State of Haryana vs. Ankit and others** passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the Court below.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

06.02.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No