

CRR-2059-2010 (O & M)

2025:PHHC:040278



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(204)**

**CRR-2059-2010 (O&M)
Date of Decision: 25.03.2025**

Harjeet Singh

... .Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ruchi Sekhri, Amicus Curiae for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 11.06.2010 passed by the Sessions Judge, Hoshiarpur whereby the appeal filed against the judgment of conviction and order of sentence dated 07.12.2007 passed by the Sub Divisional Judicial Magistrate, Dasuya has been dismissed.

2. The FIR in the present came to be registered on 01.08.2000. The judgment of conviction and order of sentence was passed on 07.12.2007 by the Sub Divisional Judicial Magistrate, Dasuya. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 11.06.2010 by the Sessions Judge, Hoshiarpur. The instant revision petition was filed on 30.07.2010 and has come up for final hearing



now i.e. after a period of almost 25 years from the date of registration of the FIR.

3. Briefly stated, the prosecution case is that on 31.07.2000, ASI Sangat Singh was present in the police station when some unknown person informed him on the telephone that an accident had taken place between one motorcycle and truck on the bridge of Cho in the area of village Kala, GT road wherein two persons appeared to have died. On this, ASI Sangat Singh alongwith other police officials reached at the place of the accident where Sukhwinder Singh complainant alongwith some other persons came present. Sukhwinder Singh complainant got recorded his statement Ex.PE to the effect that on 31.07.2000, he alongwith the son of his aunt (Bhua i.e. father's sister), Lakhvir Singh alias Lakhi and Sarabhjit Singh was going to Mukerian. The said Laklivir Singh and Sarabhjit Singh were on their motorcycle No.PB-N-396 ahead of him. Sarabhjit Singh was driving the motorcycle and Lakhvir Singh was sitting on the rear seat. He was behind them on his scooter No.PB-21-4165. At about 8.30 PM, they were entering the bridge of Cho in the area of village Kala, at that time the said motorcycle was about 20 karams ahead of him when from the side of Dasuya, one truck No.PB-08-AA-2073 came at very high speed being driven negligently, without giving dipper and in his view the



truck driver struck the truck in the motorcycle and dragged it ahead. He at once stopped his scooter and raised a hue and cry to stop the truck driver. Instead of stopping the truck, the driver ran over the motorcycle and thereafter, stopped ahead. He enquired the name of the truck driver, who disclosed his name as Harjeet Singh, resident of village Chathe, district Gurdaspur. He found that Sarabhjit Singh and Lakhvir Singh had died. The truck driver finding an opportunity, fled away alongwith the truck. He went to inform about the accident to his relatives and the family members of the deceased. When he returned on the spot he met ASI Sangat Singh and got recorded his statement Ex.PE to him. After recording this statement of Sukhwinder Singh complainant, ASI Sangat Singh made his endorsement Ex.PF and sent it to the police station for registration of the case through PHG Parampal on the basis of which formal FIR Ex.PG was recorded. ASI Sangat Singh prepared rough site plan of the place of accident with correct marginal notes. The Investigating Officer prepared inquest reports and got performed the postmortem examination on the dead bodies from Civil Hospital, Dasuya. The place of accident was also got photographed. The truck involved in the accident was found parked on Dasuya-Mukerian GT road on 01.08.2000 and the same was taken into possession by the Investigating Officer vide memo Ex. PH. The



accused was arrested on 03.08.2000. After completion of investigation, the challan against the accused was presented in the Court.

4. From perusal of report under section 173 Cr.P.C. and documents attached therewith a *prima-facie* case punishable under sections 279 and 304-A IPC was found to have been made out against the accused. He was charge sheeted accordingly by the trial court, to which he pleaded not guilty and claimed trial.

5. In support of its case, the prosecution examined PW1 Dr. Naresh Kasra, PW2 Ravideep Singh Brar, PW3 Subhash Chander Mechanic, PW4 Vijay Kumar Junior Assistant, PW5 Mohinder Singh, PW6 ASI Tirath Ram, PW7 Sukhwinder Singh complainant, PW8 Sukhvinder Singh and PW9 CII Jarnail Singh.

6. PW1 Dr.Naresh Kasra deposed about conducting postmortem on the dead bodies of Sarabhjit Singh and Lakhvir Singh alias Lakhi and proved copies of postmortem reports Ex.PA and Ex.PC and pictorial diagrams Ex.PB and Ex.PD respectively.

7. PW2 Ravi Deep Singh deposed about reaching at the place of accident on 01.09.2000 after receiving information about the same where dead bodies of Lakhvir Singh alias Lakhi, and Sarabhjit Singh were lying. He also deposed about preparing of the inquest report



Ex.PW2/A in his presence. Statement of PW5 Mohinder Singh is also to the same effect.

8. PW3 Subhash Chander, Mechanic deposited about mechanically testing the motorcycle and truck involved in the accident on 03.08.2000 and proved his reports Ex.PW3/A and Ex.PW3/B.

9. PW4 Vijay Kumar, Junior Assistant of the office of DTO Jalandhar deposited on the basis of record that truck No.PB-01-8-AA-2073 was registered in the name of M/S Parbhakar Transporter, Lamba Pind Gate, Hoshiarpur road, Jalandhar. He proved copy of RC Ex. PW4/A.

10. PW6 ASI Tirath Ram stated that on 31.07.2000, he was posted in police station Dasuya as a Head Constable and on that day was member of the police party headed by ASI Sangat Singh. He deposited about recording statement Ex PE of the complainant by ASI Sangat Singh and making his endorsement below it and sending it to the police station through PHG Parampal Singh, on the basis of which formal FIR Ex.PG was recorded by MHC Prem Singh. He deposited about the other investigation conducted by ASI Sangat Singh Investigating Officer in his presence.



11. PW7 Sukhwinder Singh complainant, in his statement, reiterated the allegations contained in his statement Ex.PE as narrated above. He deposed about the manner in which the accident took place.

12. PW8 Sukhvinder Singh Photographer deposed about going to the spot and taking photographs. He also deposed about handing over the photographs Ex.PI to Ex.P5 and negatives Ex.P6 to Ex. P10 to the police.

13. PW9 CII Jarnail Singh deposed about producing of the driving licence by the accused on 03.08.2000 before ASI Sangat Singh Investigating Officer in his presence and taking the same into possession by the Investigating Officer vide memo. ExPW9/A. He also deposed about preparing memo of personal search of the accused Ex.PW9/B by the Investigating Officer which was attested by him.

14. After closure of the prosecution evidence, various incriminating circumstances appearing in evidence against the accused were put to him in his statement under section 313 Cr.P.C. wherein he denied the prosecution allegations and pleaded false implication. However, the accused did not lead any evidence in defence.

15. On conclusion of the Trial, the accused-petitioner Harjeet Singh came to be convicted and sentenced vide a judgment of conviction and order of sentence dated 07.12.2007 passed by the Sub Divisional Judicial Magistrate, Dasuya, as under:-



Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
279 IPC	RI06 months	Rs.100/-	RI 05 days
304-A IPC	RI 02 years	Rs.1,000/-	RI 01 month

Both the sentences were ordered to run concurrently.

16. The accused-petitioner preferred an appeal which came to be dismissed by the Court of Sessions Judge, Hoshiarpur, vide judgment dated 11.06.2010.
17. The aforementioned judgments are under challenge in the present petition.
18. During the pendency of the instant revision petition, the sentence of the accused-petitioner was suspended vide order dated 13.12.2010.
19. The learned Amicus Curiae for the petitioner contends that the judgments of conviction are based on conjectures and surmises. A material prosecution witness, namely, ASI Sangat Singh, the investigating officer was not examined as a witness and the conviction had been recorded on the basis of the statement of PW7-Sukhwinder Singh/complainant alone. No Test Identification Parade was conducted. There was no evidence of rash and negligent driving of the accused-petitioner. She, therefore, contends that the impugned judgments were liable to be set aside.



20. The learned counsel for the State on the other hand, has filed a custody certificate dated 24.03.2025 of the accused-petitioner which is taken on record. As per custody certificate, the accused has undergone 06 months out of his substantive sentence of two years. He contends that in the accident in question, two persons have died. The identification of the accused stands established beyond reasonable doubt on the basis of the statement of PW7-Sukhwinder Singh/complainant who is an eye-witness of the accident. His testimony would establish that the accused was driving the vehicle in a rash and negligent manner causing the death of Lakhvir Singh and Sarabhjit Singh. He, therefore, prays that the present revision petition was liable to be dismissed.

21. I have heard the learned counsel for the parties.

22. As regards the identification of the accused, PW7 Sukhwinder Singh complainant has specifically stated that the driver of the truck-disclosed his name as Harjeet Singh. He further specifically stated that Harjeet Singh accused present in the court was driving the truck at the time of accident. The truck driver had stopped the truck on the spot and thereafter he managed to escape, but before fleeing from the spot he had disclosed his-name to Sukhwinder Singh complainant. Name of the accused is specifically mentioned in statement Ex.PE of the complainant on the basis of which formal FIR was recorded. Statement of PW7 Sukhwinder Singh complainant was recorded on the same day after the accident. In case the: complainant had not been aware of the name of the driver, then his



name would not have found mentioned in his statement Ex.PE on the basis of which the formal FIR was recorded. Since the truck driver had stopped the truck and had disclosed his name to the complainant on his asking, as such, the complainant had sufficient time to see the accused. So, in these circumstances the identity of the accused as the same person, who was driving the truck at the time of accident, cannot be doubted.

23. As regards the non-examination of ASI Sangat Singh, it may be pointed out that he had recorded the statement of the complainant and conducted other investigation in the presence of PW6 ASI Tirath Ram and PW9 CII Jarnail Singh and both these witnesses have deposed about recording of the statement of the complainant by ASI Sangat Singh and thereafter other formal investigation conducted by him. So, in these circumstances, it cannot be said that any prejudice has been caused to the accused due to the non-examination of the Investigating Officer.

24. Further, merely because the case of the prosecution rests on the solitary statement of PW7 Sukhwinder Singh complainant, it cannot be said that the conviction could not be recorded. It is well established that the accused can be convicted on the basis of the solitary statement of a witness if the same is trust worthy. There is reason to disbelieve the testimony of PW7 Sukhwinder Singh complainant an eye witness of the accident. From his testimony, it stands proved that the accident in question took place due to the rash and negligent driving of the truck by the accused in which Lakhvir Singh and Sarabhjit Singh died. He has specifically stated that at



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about 9.30 PM, when they were entering the bridge of Cho in the area of village Kala, the motorcycle of the deceased was ahead of him by 20 karams, when from Dasuya side the above said truck came at a very high speed and being driven negligently and in his view the accused struck his truck in the motorcycle of the deceased. Therefore, from the testimony of this witness no doubt is left that the accident in question took place due to the rash and negligent driving of the abovesaid truck by the accused.

25. In view of the aforesaid discussion, the prosecution has established its case beyond reasonable doubt and therefore, finding no merit in this petition, the same stands dismissed.

26. The pending application, if any, stand disposed of accordingly.

March 25, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No