



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

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**CRR-2095-2025 (O&M)
Date of decision: 28.08.2025**

Inderjit Singh

..Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Japjit Singh Johal, Advocate,
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the judgment of conviction and order of sentence dated 04.03.2022 rendered by the learned Sub-Divisional Judicial Magistrate, Dasuya, District Hoshiarpur, whereby the petitioner was held guilty under Sections 283, 304A and 427 of the Indian Penal Code. Challenge is also directed against the subsequent judgment dated 12.08.2025 passed by the learned Additional Sessions Judge, Hoshiarpur, in appeal preferred by the petitioner partly allowing the same and while the conviction recorded by the trial court was upheld, the sentence was modified and reduced to rigorous imprisonment for a period of one year from two years imposed by the Sub Divisional Judicial Magistrate.



2 Brief facts of the facts of the prosecution case is that on 21.6.2018 ASI Pawan Kumar along with other police officials were on patrolling duty on their private vehicles and when they reached near Ballagan Chowk Dasuya, then complainant Gopal Singh son of Gurdas Chand r/o Khojpur, PS Dinanagar, District Gurdaspur got recorded his statement to the effect that he is doing electrical work in Chandigarh and his nephew Baldev Raj s/o Tilak Raj r/o Village Khojpur is also residing with him and working in a private software company at Chandigarh. Complainant alleged that on 16.6.2018 said Baldev Raj had came to his village to attend a domestic function and complainant also came to his village on 20.6.2018 and today i.e. 21.6.2018 at around 4:00 a.m. complainant and his nephew Baldev Raj has started their journey on separate motor cycle from their village to Chandigarh. His nephew was driving motor cycle bearing no PB-06-Y-1374 and complainant was driving on his separate motor cycle and was following Baldev Raj. Complainant further alleged that at about 5.00 a.m. when they reached Cheema Petrol Pump adjoining G.T. Road, Dasuya, then one tralla bearing no HP-38-C-2665 was parked in between the road without giving any indicator and resultantly, motor cycle of Baldev Raj got collided with the said tralla. Complainant stopped his motor cycle and alighted from the same but he found that his nephew Baldev Raj had succumbed to his head injury and had died on the spot. Complainant also alleged that the driver of the said tralla ran away from the spot. Complainant alleged that aforesaid death of his nephew had been caused due to the rash and negligent act of driver of the tralla in parking his tralla in between the



road and without any indicator. He prayed for an appropriate action.

3. Upon the said statement endorsement was made by ASI Pawan Kumar and ruqa was sent to the police station upon which formal FIR was registered. Petitioner was arrested on 21.6.2018. His Driving licence as well as documents of vehicle were also taken into possession vide separate recovery memos. Medical evidence was collected. On completion of investigation and other necessary formalities, challan against above said accused was presented before the Court. Copies of challan and other documents, relied upon by prosecution, were supplied free of cost to him as envisaged under Section 207 Cr.P.C.

4. The parties were afforded due opportunity to lead their respective evidence. During the course of trial, the prosecution examined Dr. Namrata Puri, Medical Officer, Civil Hospital, Dasuya, as PW-1. She deposed that she had conducted the post-mortem examination on the dead body of Baldev Raj vide Post-Mortem Report bearing No. NP/06/2018 dated 21.06.2018 and recorded the presence of four distinct injuries on the person of the deceased.

5. PW-2, Dr. Palvi Mahajan, Junior Resident, Government Medical College, Amritsar, deposed that she had sent the ruqa to the Station House Officer, Dasuya and that the deceased was identified before her by Tilak Raj and Ramesh Kumar as Baldev Raj, son of Tilak Raj, resident of Village Khojipur.

6. PW-3, Ramesh Kumar, Ex-Sarpanch of Village Khojipur, deposed that on 21.06.2018, he was informed by Gopal Singh that he and



Baldev Raj were proceeding to Chandigarh and that later he was apprised of the details of the accident. He further stated that Tilak Raj, father of the deceased Baldev Raj, had identified the body. He also proved on record his statement, Exhibit P-5, as recorded by the Investigating Officer.

7. PW-4, ASI Pawan Kumar, deposed in the witness box in support of the prosecution case and affirmed the correctness of the statements of various witnesses recorded during the investigation and proved on record the documents and material collected during the course of the investigation.

8. PW-5, Gopal Singh eye-witness deposed that his nephew, Baldev Raj son of Tilak Raj was residing with him and employed in a private software company at Chandigarh. He stated that Baldev Raj had come to the village to attend a domestic function on 20.06.2018, and while returning, they commenced their journey to Chandigarh on separate motorcycles. The deceased was riding motorcycle bearing registration No. PB-06-Y-1374, while the complainant followed on a different motorcycle. He further deposed that when they reached near Cheema Petrol Pump adjoining G.T. Road, Dasuya, a tralla bearing registration No. HP-38-C-2665 was parked in the middle of the road without giving any indicator, resulting in a collision between the motorcycle of Baldev Raj and the said tralla. As a consequence, Baldev Raj sustained grievous injuries and succumbed at the spot. It was thus a re-iteration of his version already recorded.

9. PW-6, Tilak Raj, father of the deceased Baldev Raj, also



appeared in the witness box. However, his testimony was confined to a hearsay account concerning the mode and manner in which the accident occurred and was a reiteration of the version as narrated by Gopal Singh.

10. PW-7, Surinder Singh, is a photographer, while PW-8, Deepak Rai, deposed that he had obtained the registration records of the tralla from the office of the registering authority which revealed that Sanjeev Sharma son of Ashok Kumar Sharma was the registered owner of the vehicle.

11. Statement of the petitioner under Section 313 of the Code of Criminal Procedure was duly recorded, wherein all incriminating evidence adduced by the prosecution was put to him. The petitioner denied the allegations, however, no defence evidence was led by him in support of his case.

12. Upon hearing arguments by the respective parties, the Sub-Divisional Judicial Magistrate, Dasuya, Hoshiarpur convicted the petitioner for commission of offence(s) under Section 283 and 304A of IPC and he was discharged of offence under Section 427 of IPC. Vide order dated 04.03.2022, he was sentenced as under:-

Sr. No.	Name of accused	Section	Sentence
1	Inderjit Singh	304-A IPC	Rigorous imprisonment for the period of two years and a fine in tune of Rs.2,000/- (Rs. Two Thousand only) and in default of payment of fine, he shall undergo S.I. for 1 day.
		283 IPC	Fine in tune of Rs.200/- (Rs. two hundred only) and in default of payment of ine, he shall undergo S.I. for 1 day.

13. Aggrieved thereof, an appeal was filed by the petitioner before the learned Sessions Judge, Hoshiarpur vide the judgment dated 12.08.2025,



the appeal preferred by the petitioner was party allowed inasmuch as the sentence imposed upon the petitioner for the offence under Section 304A of the Indian Penal Code was modified and reduced to rigorous imprisonment for a period of one year. Hence, the present petition.

14. Learned counsel appearing on behalf of the petitioner has submitted that the prime allegation against the petitioner is that he being the driver of the tralla had parked the tralla in the middle of the road, which eventually resulted in the accident. Reliance is placed by him on the site plan, Exhibit P-12 to contend that the tralla in question was positioned on the extreme left of the road, and not in the middle thereof, as alleged. Learned counsel further contends that, in any event, the evidence on record is insufficient to establish or link the petitioner being driver of the offending vehicle and fails to establish that he was operating or had parked the offending vehicle. It is argued that the respondent-State has failed to discharge its onus of proving the case against the petitioner beyond reasonable doubt.

15. Learned State Counsel, on the other hand, contends that the judgment dated 12.08.2025, rendered by the learned Sessions Judge, Hoshiarpur, deals comprehensively with the aforementioned contentions and specifically records a finding that the petitioner had voluntarily surrendered soon after the incident and produced the requisite documents, including his identity proof and driving licence. The said documents were taken into possession by the Investigating Officer, as reflected in memo Exhibit P-20, which bears the counter signatures of the petitioner. It is further submitted



that the complainant identified the petitioner in Court, and, therefore, the evidence unmistakably establishes that the petitioner was the driver of the offending vehicle. Learned State Counsel emphasizes that no such contention was raised by the petitioner at any earlier stage i.e. either before the Trial Court or the Appellate Court. It is argued that in view of the concurrent findings recorded by both Courts, the present revision petition is devoid of merit and deserves to be dismissed.

16. I have heard learned counsel appearing on behalf the respective parties and gone through the documents appended in the present petition.

17. Undisputedly, the following facts merit consideration in evaluating the prosecution's case:

- i. That even though as per the testimony of the official from the office of the registering authority Sanjeev Sharma son of Ashok Kumar Sharma was the registered owner of the tralla, however, no statement of the owner was recorded by the Investigating Officer to establish any link as to whether the petitioner was actually engaged as the driver of the offending vehicle bearing registration No. HP-38-C-2665.
- ii. There was no claim by or occasion for the complainant to know the details about the driver of the vehicle prior to the incident and even the identification of the petitioner was made for the



first time in Court and during Court proceedings.

In such circumstances, the Court identification cannot be accepted as a proper test identification and to exclusively establish that the petitioner was, in fact, the driver of the offending vehicle.

- iii. Even though PW.5 Gopal Singh submits that the driver of the vehicle ran away, however, no details as regards any description has been given in any of the versions and
- iv. The prosecution has not examined any person to establish the identity of the driver and merely proceeded on an assumption that since the petitioner had voluntarily surrendered, hence, he is presumed to be the driver.
- v. Further, although PW-5, Gopal Singh, uncle of the deceased Baldev Raj, deposed that the deceased was residing with him and that on the date of the incident he was riding on a separate motorcycle while his nephew was proceeding on another, the respondent-State has failed to adduce any evidence to establish that Gopal Singh was, in fact, in possession of a separate motorcycle as an owner or otherwise. Notably, no registration number of any such motorcycle has either been mentioned nor



any document has been produced. No corroborative evidence in this regard was collected. Ordinarily, when the nephew was residing with his uncle and both were proceeding to the same destination, it would be improbable for them to travel on separate motorcycles. No satisfactory explanation has been provided in this regard. Such circumstance gives rise to a strong probability that PW-5, Gopal Singh, may have been introduced as an eyewitness at a subsequent stage.

- vi. Further, with regard to the testimony of Tilak Raj, father of the deceased Baldev Raj, it is evident that his evidence is wholly hearsay and, therefore, cannot be accepted. The same limitation applies to PW-3, Ramesh Kumar, Ex-Sarpanch, whose testimony is also hearsay in relation to the manner in which incident in question happened.

18. In view of the foregoing, I am of the opinion that there exist reasonable doubts regarding the case of the prosecution. The material on record is insufficient to conclusively establish the fact that he was the driver of the offending vehicle. It is trite in law that the burden of proof in a criminal trial lies squarely upon the prosecution and is required to establish the guilt of the accused beyond reasonable doubt. This principle has been



authoritatively reiterated by the Hon'ble Supreme Court vide **judgment dated 28.04.25 in Chunni Bai v. State of Chhattisgarh reported as 2025 INSC 577**, wherein it was observed as under: -

“25. It is well settled that in any criminal case, the burden of proof is on the prosecution to prove the case beyond reasonable doubt in order to secure conviction of the accused, that is to say that no reasonable doubt can be said to have arisen in the judicial mind of the court after appreciating the evidence presented, and the outcome reached by the prosecution is the only possible outcome in the given facts and circumstances of the case.”

19. The Hon'ble Supreme Court in **Kali Ram v. State of H.P., (1973) 2 SCC 808**, has reaffirmed the foundational principle that an accused is presumed to be innocent and the burden of proving guilt beyond reasonable doubt lies squarely upon the prosecution. The Court further held that if the evidence permits two interpretations, one pointing to guilt and the other to innocence, the view favourable to the accused must prevail, particularly in cases relying on circumstantial evidence. The relevant extract of the judgment is as under: -

“23. Observations in a recent decision of this Court, Shivaji Sahabrao Bobade v. State of Maharashtra [(1973) 2 SCC 793 : 1973 SCC (Cri) 1033] to which reference has been made during arguments were not intended to make a departure from the rule of the presumption of innocence of the accused and his entitlement to the benefit of reasonable doubt in criminal cases.



One of the cardinal principles which has always to be kept in view in our system of administration of justice for criminal cases is that a person arraigned as an accused is presumed to be innocent unless that presumption is rebutted by the prosecution by production of evidence as may show him to be guilty of the offence with which he is charged. The burden of proving the guilt of the accused is upon the prosecution and unless it relieves itself of that burden, the courts cannot record a finding of the guilt of the accused. There are certain cases in which statutory presumptions arise regarding the guilt of the accused, but the burden even in those cases is upon the prosecution to prove the existence of facts which have to be present before the presumption can be drawn. Once those facts are shown by the prosecution to exist, the Court can raise the statutory presumption and it would, in such an event, be for the accused to rebut the presumption. The onus even in such cases upon the accused is not as heavy as is normally upon the prosecution to prove the guilt of the accused. If some material is brought on the record consistent with the innocence of the accused which may reasonably be true, even though it is not positively proved to be true, the accused would be entitled to acquittal.

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25. Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. Rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the



hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the Court should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in case the Court entertains reasonable doubt regarding the guilt of the accused, the accused must have the benefit of that doubt. Of course, the doubt regarding the guilt of the accused should be reasonable; it is not the doubt of a mind which is either so vacillating that it is incapable of reaching a firm conclusion or so timid that it is hesitant and afraid to take things to their natural consequences. The rule regarding the benefit of doubt also does not warrant acquittal of the accused by report to surmises, conjectures or fanciful considerations. As mentioned by us recently in the case of State of Punjab v. Jagir Singh [(1974) 3 SCC 227 : 1973 SCC (Cri) 886] a criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and phantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the offence with which he is charged. Crime is an event in real life and is the product of interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the Court has to judge the evidence by the yardstick of probabilities, its intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the Courts should not at the same time reject evidence which is ex facie trustworthy on grounds which are fanciful or in the nature of conjectures.”

20. It is further observed that the mere fact that such arguments were not raised at an earlier stage can neither operate as a bar to deny the



petitioner a fair opportunity to be heard nor can it justify the rejection of such contentions which arise directly from the evidence already on record. A convicted person is entitled to raise any argument flowing naturally from the evidence adduced. The failure to raise such contentions at an earlier stage cannot operate as an estoppel in criminal proceedings against raising them at a subsequent stage. Failure to raise an argument earlier is not akin to admission of a guilt.

21. Further, both the Courts below erred in drawing an inference of the petitioner's involvement under the circumstances of the case, merely on the ground that the petitioner surrendered himself and produced his documents and also counter-signed the recovery memos. Such acts, at best, constitute circumstances of suspicion. It is well settled that suspicion, however strong, cannot be a substitute for proof. The respondent-State cannot discharge its burden of proving a case beyond reasonable doubt against an accused on the basis of mere suspicion. Nor can it be permitted to take advantage of any perceived lapses in the defence put forth by the accused. Hon'ble Supreme Court, in **Raghunatha and Another v. The State of Karnataka, arising out of SLP (Criminal) No. 6112 of 2022**, has reiterated the aforesaid settled principle and has held as under: -

“8. It can thus clearly be seen that it is necessary for the prosecution that the circumstances from which the conclusion of the guilt is to be drawn should be fully established. The Court held that it is a primary principle that the accused ‘must be’ and not merely ‘may be’ proved guilty before a court can convict the accused. It has been held that there is not only a



grammatical but a legal distinction between 'may be proved' and 'must be or should be proved'. It has been held that the facts so established should be consistent only with the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty. It has further been held that the circumstances should be such that they exclude every possible hypothesis except the one to be proved. It has been held that there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probabilities the act must have been done by the accused.

9. It is settled law that the suspicion, however strong it may be, cannot take the place of proof beyond reasonable doubt. An accused cannot be convicted on the ground of suspicion, no matter how strong it is. An accused is presumed to be innocent unless proved guilty beyond a reasonable doubt."

22. In view of the foregoing, I am of the considered opinion that the judgments dated 04.03.2022, rendered by the learned Sub-Divisional Judicial Magistrate, Dasuya, and affirmed by the learned Sessions Judge, Hoshiarpur, vide judgment dated 12.08.2025, suffer from gross impropriety and a failure to appreciate the vital lacunae in the prosecution case. These lacunae go to the root of the matter, as neither the identity of the petitioner nor his involvement or engagement as the driver of the offending vehicle has been satisfactorily established.

23. Consequently, the instant revision petition is allowed and the judgments dated 04.03.2022 and 12.08.2025 are ordered to be set aside.

24. In view of the above, the petitioner is acquitted from the charges framed. He shall be released in this case, if not required in any other case.

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

August 28, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No