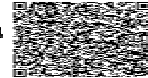


**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

2026:PHHC:044113



**(210)**

**CRR-3014-2010**

**Decided on: 19.03.2026**

Sukhdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR.JUSTICE RAMESH CHANDER DIMRI**

Present:- Mr.Karan Sirohi, Advocate, for  
Mr.Nakul Sharma, Advocate, for the petitioner.

Mr.Kuljeet Singh, Addl.A.G., Punjab.

**Ramesh Chander Dimri J. :**

1. This judgment shall dispose of a Criminal Revision Petition filed against the judgment dated 27.07.2010 passed by the Learned Sessions Judge, Fatehgarh Sahib (for brevity, “Appellate Court”) by which an appeal filed by the petitioner/accused (for brevity, “accused”) against the judgment of conviction dated 04.06.2009 and an order of sentence of that very date, passed by Learned Chief Judicial Magistrate, Fatehgarh Sahib, arising out of an FIR No.50 dated 23.06.2002 under Sections 279, 338, 427 & 304A of the Indian Penal Code, 1860 (for brevity, ‘1860 Code’), registered at Police Station Khamanon, was dismissed.

2. As per the prosecution case, on 23.06.2002, PW-9 ASI Rajwant Singh, with other police officials, was present in the area of Village Sanghol falling in territorial jurisdiction of Police Station Khamanon for patrolling etc. There, PW-1 Gurcharan Singh s/o

Sh.Atma Singh, resident of House No.38, Khukrain Colony, Anaz Mandi, Khanna, met him and got recorded his statement PW1/A. After true translation into English, said statement is reproduced as under:

*“Statement of Gurcharan Singh son of Shri Atma Singh Community (withheld), resident of House No.38, Khukrain Colony, Anaz Mandi, Khanna, aged about 72 years*

*It is stated that I am resident of the above said address and am working as a Storekeeper at Sant Kartar Filling Station, Malerkotla Road, Khanna. Today, I with my nephew Gurmeet Singh son of Veer Singh resident of Nandi Colony Street No.4 Near Chungi No.8, Lalheri Road, Khanna and his wife Hardeep Kaur as well as Gurmeet Singh son of Sewak Singh Community (withheld) resident of Nandi Colony, Lalheri Road, Khanna, had come to Morinda for some personal work. After finishing our work, we were going from Morinda to our village Khanna via Sanghol on our respective scooters. Gurmeet Singh son of Veer Singh and his wife Hardeep Kaur were riding on scooter bearing registration No.PB-26A-3152 whereas I and Gurmit Singh son of Sewak Singh, above-stated, were on scooter bearing registration No.PIC-8863. Scooter was being driven by Gurmeet Singh son of Sewak Singh, above-stated. I was pillion rider of his scooter. We were following Gurmeet Singh son of Veer Singh etc. at a distance of 100 yards. When we reached a little ahead of Village Khant in the boundary of Village Pholo Majra, at about 5.15 p.m., driver of a white coloured Tata Sumo vehicle coming from Khamanon side, while driving it in a*

*rash and negligent manner, hit the scooter of my nephew Gurmeet Singh son of Veer Singh, above-stated, who was going ahead of me and dragged the scooter to a long distance ahead. My nephew Gurmeet Singh and his wife Hardeep Kaur received many injuries. Because of many injuries received by Gurmeet Singh, he died at the spot. Scooter also was damaged severely. Hardeep kaur wife of Gurmeet Singh was sent to Morinda for treatment with Gurmit Singh son of Sewak Singh. Registration number of Tata Sumo was subsequently read as PB5G-5777. Many people gathered there. Driver of Sumo, while finding an opportunity, left the said vehicle at the spot and fled from there. This occurrence has been caused because of rash, high speed and negligent driving of the Tata Sumo by its driver. I was going to the Police Station for giving intimation. You have met me on the way. I have got my statement recorded to you. I have heard it. It is correct.*

*Sd/- in English  
Gurcharan Singh*

*Attested Rajwant Singh ASI  
PS Khamanon  
Dated 23.6.2002”*

3. On the basis of the said statement, above-mentioned FIR was registered at Police Station Khamanon. Investigation was set into motion. PW9 ASI Rajwant Singh etc. reached the spot. It was inspected. Its photographs were taken. Its rough site-plan was prepared. Post-mortem on dead body of the deceased Gurmeet Singh was got conducted from Civil Hospital, Bassi Pathana, whereafter, his dead body was handed over to his legal heirs. Post-mortem report was obtained. Treatment record of injured Hardeep Kaur was

collected. Registration certificate of scooter No.PH26A-3152 was taken in police possession. Driving licence of the deceased Gurmeet Singh was not found at the spot despite search. Tata Sumo as well as its registration certificate were taken into police possession through a recovery memo. On 27.06.2002, driver of the Tata Sumo vehicle namely Sukhdev Singh s/o Sh.Makhan Singh r/o Loco Shed, Ferozepur Cantt., was arrested as accused of the present case and was released on bail. Mechanical examination of the accidental vehicles were got conducted. On conclusion of investigation, final report under Section 173 of the Code of Criminal Procedure, 1973 (for brevity, '1973 Code') was prepared on 26.08.2002. It was then presented before the concerned Magistrate.

4. On receipt of the said report, the concerned Magistrate, after complying with the provisions contained in Section 207 of the 1973 Code, heard the prosecution and the accused on the issue of framing of charges against the accused. After such hearing, vide order dated 03.04.2003, it charge-sheeted the accused under Section 279, 338 & 304A of the 1860 Code. However, the accused did not plead guilty to the said charges and claimed trial.

5. In support of its case, the prosecution examined the following witnesses:

| Sr. No. | Witness | Name                                                                                               |
|---------|---------|----------------------------------------------------------------------------------------------------|
| 1       | PW-1    | Gurcharan Singh (complainant)                                                                      |
| 2       | PW-2    | Dr.Amarjit Singh, Medical Officer, Civil Hospital, Bassi Pathana (Post-mortem examination witness) |

|    |       |                                                                                                       |
|----|-------|-------------------------------------------------------------------------------------------------------|
| 3  | PW-3  | Hardeep Kaur widow of Gurmeet Singh (eye witness)                                                     |
| 4  | PW-4  | Karam Singh (Mechanical examination report witness)                                                   |
| 5  | PW-5  | Harjit Singh (brother of the deceased)                                                                |
| 6  | PW-6  | Devinder Singh (Photographer)                                                                         |
| 7  | PW-7  | Shital Singh, Clerk, DTO Office, Muktsar (Record witness)                                             |
| 8  | PW-8  | Bhushan Kumar (Record witness)                                                                        |
| 9  | PW-9  | ASI Rajwant Singh (Investigating Officer)                                                             |
| 10 | PW-10 | Surinder Singh (Record witness)                                                                       |
| 11 | PW-11 | Gurmeet Singh (Record witness)                                                                        |
| 12 | PW-12 | Dr.P.Sudesh, Asstt. Professor, Department of Orthopaedics, PGI, Chandigarh (Treatment record witness) |

6. In addition to the examination of the said witnesses, the prosecution also proved and relied upon the following documents:

| Sr.No. | Exhibit      | Nature of document                                  |
|--------|--------------|-----------------------------------------------------|
| 1      | Ex.P1 to P16 | Photographs and negatives of the place of accident. |
| 2      | Ex.PW1/A     | Statement of Gurcharan Singh.                       |
| 3      | Ex.PW1/B     | Recovery memo of Tata Sumo etc.                     |
| 4      | Ex.PW1/C     | Recovery memo of scooter.                           |
| 5      | Ex.PW1/A     | Post-mortem examination report of the deceased.     |
| 6      | Ex.PW1/B     | Pictorial diagrams.                                 |
| 7      | Ex.PW4/A     | Mechanical examination report of Tata Sumo.         |
| 8      | Ex.PW4/B     | Mechanical examination report of scooter.           |
| 9      | Ex.PW4/A     | Mechanical examination report of Tata Sumo.         |
| 10     | Ex.PW4/B     | Statement under Section 175 of 1973 Code.           |
| 11     | Ex.PW4/C     | Receipt of dead body.                               |

|    |           |                                                                                                   |
|----|-----------|---------------------------------------------------------------------------------------------------|
| 12 | Ex.PW5/A  | Recovery memo of photographs and negatives.                                                       |
| 13 | Ex.PW7/A  | Verification report dated 28.06.2002.                                                             |
| 14 | Ex.PW8/A  | Photocopy of relevant page of register in respect of scooter bearing Registration No.PB-26A-3152. |
| 15 | Ex.PW8/B  | Registration certificate of scooter bearing registration No.PB-26A-3152.                          |
| 16 | Ex.PW9/A  | Police proceedings.                                                                               |
| 17 | Ex.PW9/B  | Copy of FIR.                                                                                      |
| 18 | Ex.PW9/C  | Rough Site plan of the place of occurrence.                                                       |
| 19 | Ex.PW9/D  | Inquest proceedings.                                                                              |
| 20 | Ex.PW9/E  | Statement under Section 175 of 1973 Code.                                                         |
| 21 | Ex.PW9/F  | Application for getting medical record of Hardeep Kaur.                                           |
| 22 | Ex.PW9/G  | Opinion of the doctor.                                                                            |
| 23 | Ex.PW9/H  | Jama Talashi Memo of the accused.                                                                 |
| 24 | Ex.PW9/J  | Arrest memo of the accused.                                                                       |
| 25 | Ex.PW9/L  | Mechanical examination report                                                                     |
| 26 | Ex.PW9/M  | Mechanical examination report.                                                                    |
| 27 | Ex.PW10/A | Registration certificate of Tata Sumo.                                                            |
| 28 | Ex.PW10/D | Verification report.                                                                              |
| 29 | Ex.PW12/A | Medico-legal case summary of Hardeep Kaur.                                                        |
| 30 | Ex.PW12/B | Injury report of Hardeep Kaur.                                                                    |

7. On completion of prosecution evidence, the Learned  
Chief Judicial Magistrate,Fatehgarh Sahib (for brevity “Magistrate”)

recorded statement of the accused under Section 313 of the 1973 Code. In the said statement, the accused claimed false implication. Despite availing opportunities to lead defence, he did not examine any witness.

8. On conclusion of evidence, the Learned Magistrate heard the parties on merits of the case. After such hearing, it convicted/sentenced the accused in the following manner:-

| U/s                | Sentence                           | Fine (in Rs.)                                               |
|--------------------|------------------------------------|-------------------------------------------------------------|
| 279 of 1860 Code   | Rigorous Imprisonment for 6 months | -                                                           |
| 338 of 1860 Code   | Rigorous Imprisonment for 6 months | Rs.1000/- and in default to further undergo RI for 15 days  |
| 304-A of 1860 Code | Rigorous Imprisonment for 2 months | Rs.1000/- and in default to further undergo RI for 6 months |

9. Aggrieved of the said conviction/sentence, the accused filed an appeal before the Learned Sessions Judge, Fatehgarh Sahib. However, it was dismissed by the Appellate Court through the impugned judgment dated 27.07.2010.

10. Aggrieved of the said dismissal, the accused is before this Court in revision.

11. I have heard Shri Karan Sirohi, the learned counsel for the accused as well as Shri Kuljeet Singh, Addl.A.G., Punjab, on merits of the petition. With their assistance, I have perused the photostat copy of the record.

12. Learned counsel for the accused has argued that identification of the accused for the first time in the Court was not

sufficient to connect him with the crime in question. No test identification parade was conducted. PW1 Gurucharan Singh and other eye-witnesses deposed that driver of the Sumo had fled from the spot in opposite direction. If facts of the case in question are considered in that manner, there was no opportunity with the eye-witnesses to identify the driver. Prosecution has not established as to how they had identified the accused as offender of the case in question. Driving license of the accused was not recovered from the alleged place of accident. Recovery memo in that regard is false. The said driving license was not attached to the final report. In the absence of any test identification parade, identity of the accused as committing the alleged offences has not been established. He has accordingly prayed for setting aside the impugned judgments and order as well as for acceptance of the petition.

13. On the other hand, learned Additional Advocate General has argued that the accused has been identified as committing the offences in question before the Court. Such identification is sufficient in law. Driving licence of the accused was recovered from the Sumo when it was taken into police possession from the spot. In view of thereof, non-holding of test identification parade during investigation, pales into insignificance. Evidence on record connects the accused with the offences in question to the hilt. He has accordingly prayed for dismissal of the revision petition.



14. After such hearing and perusal, I may state that through the impugned judgments and order, the accused was convicted and sentenced for the above mentioned offences. The present petition is a revision petition filed under Section 401 of the 1973 Code. Such a petition has to be dealt with within the parameters prescribed under the said section. Said section is therefore reproduced as under:-

**“401. High Court's powers of revision.—**

*(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 386, 389, 390 and 391 or on a Court of Session by section 307, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 392.*

*(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.*

*(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction.*

*(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be*

*entertained at the instance of the party who could have appealed.*

*(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of Justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.”*

15. I may also state that in respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report **“Pakalapati Narayana Gajapathi Raju & others Vs. Bonapalli Peda Appadu & another”, (1975) 4 SCC 477,** observed as under:-

*“3. Section 439 (1) of the Code of Criminal Procedure provides that in exercise of revisional jurisdiction, the High Court may exercise any of the powers conferred on a court of appeal. This provision is made expressly subject to sub-section (4) of Section 439 under which nothing contained in the section shall be deemed to authorise a High Court to convert a finding of acquittal into one of conviction. Section 439 has been interpreted in several decisions of this Court which have taken the view that the revisional jurisdiction, when invoked by a*

*private complainant against an order of acquittal, ought not to be exercised lightly and that it can be exercised only in exceptional cases where the interests of public justice require interference for the correction of a manifest illegality or the prevention of a gross miscarriage of justice. (See Satyendra Nath Dutta v. Ram Narain, (1975) 3 SCC 398; Akalu Ahir v. Ramdeo Ram, (1974) 1 SCR 130; Changanti Kotaiah v. Goginoni Venkateshwara Rao, (1973) 3 SCR 867. It is clear from these decisions that the revisional jurisdiction cannot be invoked merely because the lower court has not appreciated the evidence properly. The High Court has in its judgment referred to the decisions of this Court but in applying those decisions it has transgressed the limits of its revisional powers.”*

16. In respect of scope of revisional powers of a High Court, a three Judge Bench of Hon’ble the Supreme Court, in the report “Duli Chand Vs. Delhi Administration”, (1975) 4 SCC 649, observed as under:-

*“4. .... Now, the jurisdiction of the High Court in a Criminal Revision Application is severally restricted and it cannot embark upon reappreciation of the evidence, but even so, the learned single Judge of the High Court who heard the revision application, examined the*

*evidence afresh at the instance of the appellant. This was, however, of no avail, as the learned single Judge found that the conclusion reached by the lower Courts that the appellant was guilty of gross negligence, was correct and there was no reason to interfere with the conviction of the appellant. ....*

*5. ....The High Court in revision was exercising supervisory jurisdiction of a restricted nature and, therefore, it would have been justified in refusing to re-appreciate the evidence for the purpose of determining whether the concurrent finding of fact reached by the learned Magistrate and the learned Additional Sessions Judge was correct. But even so, the High Court reviewed the evidence presumably for the purpose of satisfying itself that there was evidence in support of the finding of fact reached by the two subordinate courts and that the finding of fact was not unreasonable or perverse. The High Court came to the conclusion that the evidence clearly established that the death of the deceased was caused on account of the negligent driving of the bus by the appellant. ....”.*

17. In respect of such powers, a two Judge Bench of Hon’ble the Supreme Court, in the report **“Janata Dal Vs. H.S.Chowdhary”, (1992) 4 SCC 305**, observed as under:-

*“130. The object of the revisional jurisdiction under Section 401 is to confer power upon superior criminal Courts - a kind of paternal or supervisory jurisdiction - in order to correct miscarriage of justice arising from misconception of law, irregularity of procedure, neglect of proper precaution or apparent harshness of treatment which has resulted on the one hand, or on the other hand in some undeserved hardship to individuals. The controlling power of the High Court is discretionary and it must be exercised in the interest of justice with regard to all facts and circumstances of each particular case, anxious attention being given to the said facts and circumstances which vary greatly from case to case.*

*131. xxxx                      xxxx                      xxxx*

*132. The criminal Courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the Courts exist. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Courts must*

*be careful to see that its decision in exercise of this power is based on sound principles.”*

18. While quoting observations made in **Janata Dal's report (supra)** with approval, a three Judge Bench of Hon'ble the Supreme Court, in the report “**T.N.Dhakkal Vs. James Basnett & another**”, **(2001) 10 SCC 419**, observed as under:-

*“9. We are in agreement with the above exposition of law. We are of the opinion that though the High Court has revisional jurisdiction under Section 401 of the Code and can exercise its discretionary jurisdiction to correct miscarriage of justice, but whether or not, there is justification for the exercise of that discretionary jurisdiction would depend upon the facts and circumstances of each case. The controlling power of the High Court under Section 401 of the Code being discretionary is required to be exercised only in the interest of justice, having regard to all the facts and circumstances of each particular case and not mechanically.”*

19. In respect of revisional jurisdiction of a High Court, a two Judge Bench of Hon'ble the Supreme Court, in the report “**State of Kerala Vs. Puttumana Illath Jathavedan Namboodiri**”, **(1999) 2 SCC 452**, observed as under:-

*“Having examined the impugned Judgment of the High Court and bearing in mind the contentions raised by the learned counsel for the parties, we have no hesitation to come to the conclusion that in the case in hand, the High Court has exceeded its revisional jurisdiction. In Its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of Supervisory Jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an Appellate Court nor can it be treated even as a second Appellate Jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice.”*

20. Observations made in Duli Chand’s report (supra) and those made in a report “State of Orissa VS. Nakula Sahu”, (1979) 1 SCC 328 as well as Puttumana Illath’s report (supra) were

approved by a three Judge Bench of Hon'ble the Supreme Court in the report **“Raj Kumar Vs. State of Himachal Pradesh”, (2008) 11 SCC 76.**

21. Applying the said observations to the present case, I may state that the FIR in the present case was registered on the basis of a statement Ex.PW1/A of PW1 Gurcharan Singh. True it is that in the said document, the said PW has alleged rashness, negligence and high-speed driving to driver of the Tata Sumo by stating that its driver hit scooter of the deceased Gurmeet Singh from opposite side. At the same time, the said document does not say that PW1 Gurcharan Singh was known to driver of the Tata Sumo prior to the date of occurrence in question. In the said document, he also does not say that driver of the Tata Sumo had come near to him. It simply mentions that thereafter registration number of the Tata Sumo was read by PW1 Gurcharan Singh as “PB-5G-5777” and many people gathered at the spot because of which the driver of the Tata Sumo, by taking advantage of the situation, fled from the spot by leaving the Tata Sumo. Therefore, the said document does not establish identity of the driver of the Tata Sumo causing the accident. However, prosecution alleges that on 23.06.2002 itself PW9 ASI Rajwant Singh took the said Tata Sumo in police possession from the spot with the registration certificate thereof and also a driving license of the accused. At the same time, a perusal of the final report dated 26.08.2002 prepared/presented in the case in question does not show



that driving license of driver of the said Tata Sumo was taken into police possession from the spot with the said vehicle and its registration certificate. It simply says that the said Tata Sumo and its registration certificate were taken into police possession therefrom. Not only this, a perusal of the said final report also shows that driving license allegedly recovered from the spot contained in the said Tata Sumo has not been mentioned to have been attached with the said report for presentation before the Court. The said fact could have been ignored if the said driving license would have been produced before the Court and would have been got exhibited in evidence. At the same time, evidence produced in the case in question does not show that driving license allegedly recovered from the spot and allegedly belonging to the accused was produced/exhibited in prosecution evidence. Therefore, prosecution contention that driving license of the accused was recovered from the said Tata Sumo when it was taken into police possession from the spot on 23.06.2002 has not been established. In the absence of proof of such recovery/production/exhibition, it is to be held that no driving license was recovered from the spot in the manner alleged, not to talk of the driving license of the accused. Once it is so, it has to be held/concluded that on the date of arrest of the accused i.e. 27.06.2002 as offender of the present case, there was no link evidence with the police to conclude that the accused was driver of the Tata Sumo. At the same time, the prosecution case as well as evidence has

proceeded on the premises that the accused was traced on the basis of the driving license recovered from the said Tata Sumo. Deposition of PW1 Gurcharan Singh and PW9 Rajwant Singh is on similar lines. However, they are not supported by the evidence on record. Driving license allegedly recovered from the spot has till date not seen the light of the day. In the absence thereof, contents of the recovery memo Ex.PW10/A are incorrect. If the same are incorrect, it cannot be held that driving license of the accused was recovered from the above-stated Tata Sumo in the manner alleged.

22. I may also state that prosecution does not say that before arrest of the accused in the present case, it conducted a test identification parade. PW1 Gurcharan Singh, PW3 Harjeet Kaur and PW11 Gurmeet Singh also do not say that before arrest of the accused in the present case, a test identification parade was conducted by the police or that the accused was identified by them before his such arrest. So far as identification of a person arrested in a criminal case is concerned, it is to be done in terms of Section 54A of the 1973 Code. Said section is accordingly reproduced as under:-

**“54A. / Identification of person arrested :-**

*- Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject*

*himself to identification by any person or persons in such manner as the Court may deem fit.]*

*[Provided that, if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with:*

*Provided further that if the person identifying the person arrested is mentally or physically disabled, the identification process shall be video-graphed.]”*

23. Hon’ble the Supreme Court in the report **“Kanan and others Vs. State of Kerala”, AIR 1979 SC 1127**, in respect of value of an identification done for the first time in the Court, observed and held as under:-

*“It is well settled that where a witness Identifies an accused who is not known to him in the Court for the first time, his evidence is absolutely valueless unless there has been a previous T. I. parade to test his powers of observations. The Idea of holding T. I. parade under [Section 9](#) of the Evidence Act is to test the veracity of the witness on the question of his capability to identify an unknown person whom the witness may have seen only once. If no T. I. parade is held then it will be wholly*

*unsafe to rely on his bare testimony regarding the identification of an accused for the first time in Court. In these circumstances, therefore, we feel that it was incumbent on the prosecution in this case to have arranged T. I. parade and get the identification made before the witness was called upon to identify the appellant in the court.”*

24. If the said section and observations are applied to the case in question, identification of the accused done by PW1 Gurcharan Singh, PW3 Hardeep Kaur and PW11 Gurmeet Singh for the first time in the Court has no value and sanctity in law. None of the said prosecution witnesses has deposed that the accused was known to them prior to the occurrence in question. They also do not say that the accused came near to them after committing the alleged offences. Rather, PW1 Gurcharan Singh is categorical that many people gathered at the spot and driver of the Tata Sumo by taking advantage of the said gathering fled from the spot towards opposite side, i.e. from the side from which the Tata Sumo was coming. His such deposition, therefore, establishes that he did not properly see the driver before he fled from the spot. So far as PW3 Hardeep Kaur and PW11 Gurmeet Singh are concerned, they identified the accused for the first time in the Court. For the fact that they did not know the accused prior to the occurrence in question, his identification by them for the first time in the court as an accused of the case in question, pales into

insignificance and is not sufficient to connect him to the commission of the offences in question. However, the impugned judgments have held the accused guilty on the basis of identification by the said prosecution witnesses done for the first time in the court. The impugned judgments, therefore, are contrary to the above reproduced observations and manifestly illegal causing gross miscarriage of justice. Such judgments have neglected to exercise proper precaution and suffer from manifest error on the above-stated point of law. Revisional powers of a High Court should be exercised to do real and substantial justice. The above-stated facts and observations make the present case a fit case for exercise of revisional jurisdiction against the impugned judgments and order.

25. There is one more factor to be noticed. In the statement Ex. PW1/A, PW1 Gurcharan Singh has given registration number of the Tata Sumo as “PB-5G-5777”. In the recovery memo Ex. PW10/A also, registration number of the said vehicle has been mentioned as such. At the same time, in mechanical examination report Ex. PW4/A, registration number of the said vehicle has been mentioned as “PB-05G-5777”. In the photocopy of the registration certificate of the said vehicle appended to the file also, its registration number has been mentioned as “PB-05G-5777”. Photograph Ex. P6 also shows that its registration number is “PB-05G-5777”. If the statement Ex. PW1/A would not have mentioned registration number of the vehicle, it could have been understood that PW1 Gurcharan Singh would have

inadvertently omitted to mention the same. At the same time, in the said statement, he mentions number of the said vehicle specifically as “PB-5G-5777”. Even in the recovery memo Ex.PW1/B, its registration number has been mentioned as such. The said documents are the first documents to have been prepared by the prosecution but in the same, registration number of the Tata Sumo has not been correctly mentioned. As against the said fact, true registration number of the said vehicle was “PB-05G-5777”. May be that the said fact, of its own, would not have counted much in favour of the accused. At the same time, it, coupled with the above stated discussion, supports the accused when he contends that he has been falsely implicated in the case in question and his identity in it as committing the alleged offences has not been duly proved. The arguments raised on behalf of the State of Punjab are therefore rejected.

26. For what has been stated above, I am of the considered opinion that the impugned judgments and order of sentence cannot legally be sustained. The same, with all consequential proceedings, are accordingly set aside. In turn, the accused is acquitted of the charges framed against him in the case in question by extending benefit of doubt. All interim application/s, if any, stand disposed of.

**March 19<sup>th</sup>, 2026**  
*sailesh*

**(RAMESH CHANDER DIMRI)**  
**JUDGE**

|                             |     |  |
|-----------------------------|-----|--|
| Whether speaking/reasoned : | Yes |  |
| Whether Reportable :        | Yes |  |