



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

124

FAO-5802-2025 (O&M)  
Date of decision :19.01.2026

JAGJIT SINGH AND ANOTHER

... APPELLANTS

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ajay Pal S. Gill, Advocate  
for the appellants.

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PARMOD GOYAL, J. (ORAL)

CM-20358-CII-2025

This is an application for condonation of delay of 210 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 210 days in filing the present appeal, is hereby condoned.

Main Case

1. The present appeal has been filed by the owner of the offending vehicle, who was arrayed as respondent No. 2 before the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'Tribunal'), being aggrieved by the award dated 21.11.2024 whereby the claim petition preferred by Gurmail Singh was allowed and compensation to the tune of ₹1,84,890/- was awarded on account of the injuries suffered by him in the accident dated 15.02.2021, which occurred due to rash and negligent driving of the vehicle bearing registration No. PB-13-

AN-3077 by respondent No. 1 (hereinafter referred to as 'offending vehicle').

2. Respondent No. 2—appellant contested the claim petition filed by the injured claimant by asserting that the offending vehicle was not being driven by respondent No. 1 at the time of the accident. It was specifically pleaded that respondent No. 1 was not driving the vehicle and was not challaned by the police instead, the challan was presented against respondent No. 2—appellant. It was contended that this circumstance clearly demonstrates that a false case was registered at the instance of the claimants only to claim compensation by falsely involving the vehicle of respondent No. 2.

3. It was further asserted that the learned Tribunal has wrongly concluded that, at the time of the accident, the offending vehicle was being driven by respondent No. 1, namely Ranvijay @ Rani son of Jagjit Singh-appellant. In the claim petition, the claimant had pleaded that the accident was caused by respondent No. 1, Rani son of Jagjit Singh. However, respondent No. 2 maintained that the offending vehicle was not being driven by respondent No. 1 and that the police had not challaned respondent No. 1 but had falsely challaned only respondent No. 2.

4. Admittedly, respondent No. 1 was a minor at the time of the accident and was not having driving license. On the basis of the finding that the vehicle was being driven by respondent No. 1, the Tribunal fastened the liability to pay compensation upon respondent No. 2 and absolved respondent No. 3—Insurance Company of its liability to indemnify respondent No. 2. The fact that respondent No. 1 was a minor and did not possess a driving license has not been disputed by learned counsel for the appellant even in the present appeal. The entire argument of the appellant revolves around the assertion that respondent No. 1 was not driving the vehicle at the time of the accident.

5. In order to prove that the accident was the result of rash and negligent

driving of respondent No. 1 while driving the offending vehicle, the injured claimant himself appeared as CW-2 and reiterated the manner of the accident as stated in the claim petition, namely, that the accident was caused by Mahindra vehicle bearing registration No. PB-13-AN-3077, which was being driven in a rash and negligent manner by respondent No. 1. The claimant also examined his son, Jagdeep Singh, as CW-1, who at the time of accident was accompanying claimant deposed on the same lines and supported the version of the injured claimant.

6. It is worth noticing that the learned Tribunal has duly taken note of the fact that CW-1 Jagdeep Singh, in his cross-examination, clearly stated that respondent No. 1, Rani, was known to him even prior to the accident and that he was a minor at the relevant time. He categorically deposed that he had seen Rani had struck motorcycle with the offending vehicle and thereafter fled away from the spot. Admittedly, the FIR was registered specifically against Rani.

7. The learned Tribunal further noticed that there was no material on record to suggest that complainant, Jagdeep Singh, had any prior animosity with Rani so as to falsely implicate him in the present case. Reliance was rightly placed upon the statements of the injured claimant as well as his son, who was present along with his father at the time of the occurrence. The evidence of CW-1 and CW-2 is consistent and trustworthy and finds corroboration from FIR which was registered in 3 days of the occurrence. A perusal of the testimony of RW-1, i.e. respondent No. 2, shows that he also admitted that the FIR was registered against his son and that he had taken the offending vehicle on supardari.

8. In view of the specific and consistent statements of CW-1 and CW-2, coupled with the fact that the FIR was lodged by the author thereof against respondent No. 1, the mere presentation of the challan by the police against respondent No. 2 instead of respondent No. 1 would not render the case of the

claimants doubtful. It is a settled position of law that the investigation conducted by the police is not binding upon the Motor Accident Claims Tribunal. The lodging of the FIR, the conclusion drawn by the Investigating Agency, and the pendency of criminal proceedings are only corroborative pieces of evidence. Most relevant evidence in claim petitions is that of the eyewitnesses who had actually seen the occurrence. Police investigation is merely an opinion based on the material collected by the Investigating Agency and cannot substitute trustworthy and reliable ocular account.

9. In the present case, both CW-1 and CW-2, namely the claimant and his son, have stated on oath that they were present at the time of the accident. The presence of the injured claimant at the spot stands further corroborated by the injuries suffered by him. It is also clearly established on record that the author of the FIR, i.e. CW-1, had specifically named Rani, respondent No. 1, as the person who caused the accident. Therefore, the mere fact that the police choose to file the challan against respondent No. 2 instead of respondent No. 1 does not dilute the otherwise credible and reliable testimony of CW-1 and CW-2. Statements recorded on oath before the Tribunal carry greater evidentiary value, particularly when the Investigating Officer was not examined by the respondent-appellant to justify or explain the basis of the conclusions drawn during investigation.

10. The Investigating Officer is not an eyewitness to the occurrence, and unless his opinion is tested through examination before the Tribunal, no reliance can be placed upon such opinion to discard the statements of eyewitnesses. The learned Tribunal, therefore, rightly held that it was not bound by the inquiry report submitted by the police authorities and correctly relied upon the statements of CW-1 and CW-2, who consistently and reliably narrated the manner of occurrence of accident. Moreover, the manner in which the investigation was conducted itself creates doubt and must be looked into by higher police authorities. Admittedly,

the FIR pertaining to the incident dated 15.02.2021 was lodged on 18.02.2021 on the statement of CW-1. It was only after about three months, i.e. on 21.05.2021, that respondent No. 2-appellant moved an application to the SHO, Police Station Sadar, Sangrur, pursuant to which statements under Section 161 Cr.P.C. of Major Singh, Sukhwinder Singh, Ishwar Kumar, Gurdeep Singh, and Naresh Kumar were recorded, declaring Rani innocent and nominating respondent No. 2 as an accused.

11.           None of the persons whose statements were recorded during the belated stage of investigation were examined before the Tribunal. Therefore, no reliance could be placed upon such police investigation. The learned Tribunal has, thus, rightly relied upon the evidence of CW-1 and CW-2 to conclude that the accident was caused by respondent No. 1, Ranvijay @ Rani.

12.           In view of the above discussion, there is no merit in the appeal preferred by the appellant, as the appellant has failed to establish that the accident was not caused by Rani, who was minor at the time of the accident. Consequently, the Tribunal has rightly held that the Insurance Company is not liable to indemnify respondent No. 2. The appeal is, accordingly, dismissed.

13.           Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

19.01.2026  
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(PARMOD GOYAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |