

**IN THE COURT OF SH. SUSHIL KUMAR,
ADDITIONAL SESSIONS JUDGE-04 (NORTH),
ROHINI COURTS, DELHI.**

CNR No.:DLNT01-006254-2018

SC No.409/2018

STATE Vs. Joginder

FIR No. 280 /2014

PS Alipur

U/s.186/353/307 IPC

State

Vs.

JOGINDER

S/o Sh. Rishal Singh,
R/o VPO: Kheri Manajat, District: Sonipat,
Haryana.

Date of Institution : 26.07.2017

Date of committal to Sessions Court : 03.07.2018

Date of institution in Sessions Court : 07.07.2018

Date on which Judgment pronounced : 08.06.2026

JUDGMENT

1. Accused Joginder has been facing trial for offences punishable under section 186/353/307 IPC on the accusation that accused obstructed HC Raj Singh, Ct. Azad and Ct. Laxman by intentionally assaulting / used criminal force against them and also hitting HC Raj Singh with his Scorpio Car bearing registration No.HR10U0789 with the intention to commit his murder.

2. The brief facts of the case of prosecution are that on receipt of DD No. 5B dated 23.03.2014, SI Satish Pandey along with Ct. Shankar went to the place of occurrence i.e., GTK Road, Singhu Border, Delhi, where they came to know that injured HC Raj Singh has already been taken by PCR Van to SRHC Hospital. Thereafter, SI Satish Pandey along with Ct. Shankar reached at SRHC Hospital and collected MLC No.894/2014 of injured HC Raj Singh where doctor opined H/o RTA and fit for statement. IO got recorded the statement of complainant HC Raj Singh.

3. Complainant HC Raj Singh mentioned in his statement that on the intervening night of 23/24.03.2014, in between 08:00 PM to 08:00 AM, he was performing duty at Picket Checking at Singhu Border. That Ct. Azad and Ct. Laxman were also performing duty along with him. That Ct. Laxman was standing near the barricades. That he was checking the vehicles and Ct. Azad was giving indications to stop the suspected vehicles. That at about 01:30 AM, when he was checking documents of a vehicle, a Scorpio Car bearing registration no. HR10U0789 came from Haryana Side and intentionally hit against him due to which he sustained injuries and fell down on the ground. That after hitting him, the driver of the Scorpio ran from the spot and somebody made a call on 100 number. That PCR reached at spot and took him to SRHC Hospital, where he was given treatment.

4. On the basis of statement given by complainant HC Raj Singh, the present FIR bearing No.280/2014 was registered U/s 186/353/307 IPC at PS Alipur. Site

plan of the place of occurrence was prepared. Statements of witnesses were recorded. During the course of investigation, accused was arrested. His disclosure statement was got recorded wherein he stated that he was driving the offending vehicle at the time of alleged occurrence. After completion of investigation, present charge-sheet was filed for the offences punishable under section U/s 186/353/332/307 IPC against accused Joginder.

5. After complying with the provisions of Section 207 Cr.P.C., Ld. M.M. committed the case to this Court and thereafter, the case was committed to the Court of Sessions.

6. Arguments on the point charge were heard and vide order dated 31.01.2019, charge for the offences U/s 186/353/307 IPC was framed against accused Joginder to which he pleaded not guilty and claimed trial. The matter was fixed up for PE.

7. In order to prove its case against accused persons, the prosecution has examined the following ten (10) prosecution witnesses:-

S No.	Name of Witness	Relevance of his Testimony
1.	PW-1 HC Raj Singh.	Complainant / injured on whose statement the present FIR has been registered.
2.	PW-2 Ct. Laxman Singh	Eye-witness in the present FIR case.
3.	PW-3 Ct. Dharamveer Yadav.	He proved on record DD No.5B dated 23/24.03.2014 as Ex. PW3/A.
4.	PW-4 SI Rajender Singh.	He is Duty Officer who prove on record FIR No.280/2014 as Ex. PW4/A, its endorsement

		as Ex. PW1/B, certificate under section section 65B of Indian Evidence Act as Ex.PW4/C.
5.	PW-5 HC Shankar	He took rukka to Duty Officer for registration of FIR from the spot.
6.	PW-6 Retired ASI / Tech Devender Kumar.	He proved on record Mechanical Inspection Report of vehicle bearing registration no.HR10U-0789 make Mahindra Scorpio.
7.	PW-7 Dr. Naveen Kumar, CMO, Dr. BSA Hospital.	He proved on record MLC No.892/2014 dated 24.03.2014 of HC Raj Singh as Ex. PW7/A.
8.	PW-8 Inspection Jaibir.	He was one of the Investigating Officer in the present FIR case. He prepared the charge-sheet and filed the same before the Court concerned.
9.	PW-9 Inspector Satish Kumar.	He is the Investigating Officer in the present FIR case. He has narrated all the steps frame by frame taken by him during the course of investigation.
10.	PW-10 Sh. Rajnish, Additional SP, Headquarter, Laksheep.	He proved on record complaint under section 195 Cr. PC as Ex. PW10/A.

8. Before proceeding further, it would be appropriate to have glance at the depositions made by prosecution witnesses.

9. **PW-1 HC Raj Singh (Retired)** is the complainant on whose statement the present FIR case has been registered. PW-1 did not identify accused as the one who had hit him while he was performing duty at the spot. He did not support the story of prosecution in his examination-in-chief. In his examination-in-chief, he

has testified that in the intervening night of 23/24.03.2014, he was at picket checking duty at Singu boarder from 08:00 PM to 08:00 AM., and Ct. Azad and Ct. Laxman were also on duty with him. He further deposed that Ct. Laxman was standing near barricades with rifle and Ct. Azad was standing on the other side of the barricades with rifle. He further deposed that at about 01:30 AM, he was checking one auto and in the meantime one white colour car suddenly hit him. He further deposed that he fell down on the road and someone informed the police at phone number 100. He further deposed that PCR Van took him to SRHC Hospital. He further deposed that police met him there and recorded his statement as Ex. PW1/A. He further deposed that he does not know the number and make of the offending vehicle. He further deposed that except this, he does not want to say anything else.

As PW-1 did not support the prosecution story and resiled from his previous statement, he was cross-examined by Addl PP for state with the permission of the Court. In his cross-examination by Ld. Addl PP for state, PW-1 denied the suggestion that the Scorpio Car bearing registration No.HR10U0789 came from Haryana side or that the driver of the car hit him knowingly him with intention to kill him. He admitted that after hitting him the car driver ran away in the car from the spot.

Attention of the witness was drawn towards accused Joginder and he was asked as to whether accused Joginder was driving the offending vehicle to which PW-1 stated that he had not seen the driver at the spot as he was busy in writing work of checking of the auto. He denied the suggestion that he is not deliberately identifying the accused as driver of the said car to save him from punishment. He

denied the suggestion that he is intentionally not supporting the contents of statement Ex. PW1/A being won over the by accused or having entered into out of Court settlement with him. He denied the suggestion that he is intentionally deposing wrong facts before the Court as he had entered into out of Court settlement with accused.

10. **PW-2 Ct. Laxman Kumar** is an eye-witness to the incident in question. Apart from identifying accused, he testified on the lines of prosecution story. In his examination-in-chief, he deposed that on 23.03.2014 on the intervening night of 23/24.03.2014, he was on night Picket duty at G. T. Karnal Road at Singhu Border along with HC Raj Singh and Ct. Azad Singh from 08 PM to 08 AM. He further deposed that they were standing on the road at the picket and were checking the vehicles coming from Haryana to Delhi side. He further deposed that Ct. Azad Singh was standing to stop the suspected vehicles. He further deposed that HC Raj Singh was checking the documents of the said vehicles. He further deposed that at about 01:30 AM, one Scorpio Vehicle bearing registration No. HR10U0789 came from the side of Haryana which was being driven by accused Joginder (correctly identified by witness) in fast speed. He further deposed that Ct. Azad Singh gave signal to stop the Scorpio, however, accused had not stopped and as a result of side of the said Scorpio brushed against Ct. Azad Singh, who climbed on the footpath and save himself. He further deposed that thereafter accused kept on driving the Scorpio in the same manner as a result of which his car struck against HC Raj Singh who fell down on the road and suffered injuries. He further deposed that then accused fled away from the spot in his car towards Narela side. He further

deposed that he informed PCR by dialing 100 number. PCR Van came at the spot and took injured HC Raj Singh to SRHC Hospital. He further deposed that SI Satish came at the spot and at his instance inspected the spot and prepared the site plan. He further deposed that on 22.04.2014, he identified accused at the PS.

During cross-examination by Ld Counsel for accused, PW-2 testified that he does not remember the DD number by which he along with other police officials had been deputed at the Night Picket Duty. He further testified that one register was also maintained at the picket to make entries regarding the details of vehicles checked by them. He further testified that no entry of the Scorpio Vehicle involved in the incident was made. He also testified that Scorpio Vehicle had not touched the barricades while crossing the same. He further testified the driver of the other vehicle which was being checked by HC Raj Singh at the time of incident, was not joined in the investigation or made a witness in this case. He was confronted with this statement Ex. PW2/A where it was not recorded that the Scorpio Vehicle had brushed against Ct. Azad Singh.

11. **PW-3 Ct. Dharamveer Yadav** deposed that on the 23/34.03.2014, he was working as DD Writer. He further deposed that on that night at about 01:50 AM, he received a call from PCR regarding hitting of a Scorpio Car to HC Rajbir, accordingly, he recorded the said information in Rojnamcha vide DD No.5B and the proved on record the same as Ex. PW3/A. He further deposed that the information regarding the said incident was given to SI Satish Kumar Pandey through telephone.

12. **PW-4 SI Rajender Singh (Retired)** deposed that on 23/34.03.2014, he was working as Duty Officer. He proved on record FIR bearing No.280/2014 as Ex. PW4/A, endorsement upon rukka as Ex.PW4/B and certificate u/s 65B of Indian Evidence Act pertaining to FIR as Ex.PW4/C. He further deposed that after registration of FIR, he handed over the copy of FIR and original rukka to Ct. Shankar Lal for handing over the same to IO / SI Satish Kumar for investigation.

13. **PW-5 HC Shankar Kumar** deposed that on the intervening night of 23/24.03.2014, he alongwith SI Satish had gone to the spot that was Singhu Border, Delhi, on receipt of DD no. 5B. He further deposed that at the spot it was revealed that injured HC Raj Singh had already been taken to SHRC Hospital by the PCR Van. He further deposed that then they had gone to SHRC Hospital where injured HC Raj Singh was found under treatment. He further deposed that IO recorded statement of HC Raj Singh and after made endorsement on the same, rukka was handed over to him. He further deposed that he took the same to PS Alipur for registration of FIR and handed over to Duty Officer. He further deposed that after registration of the case, he received the rukka and copy of FIR and handed over the same to IO, after coming back at the spot. He further deposed that at the spot, IO prepared site plan at the instance of Ct. Laxman and also recorded statement of Ct. Laxman as well as Ct. Azad. He further deposed that they made efforts to trace the accused and vehicle but could not succeed, subsequently, IO recorded his statement.

14. **PW-6 Retired ASI /Tech. Devender Kumar** deposed that on 16.04.2014, at the request of SI Satish Kumar, he conducted the mechanical inspection of the vehicle bearing registration no. HR 10U 0789 make Mahindra Scorpio. He further deposed that after inspecting of the above said vehicle, no fresh damages were found and the vehicle was found fit for road test. He further deposed that he had prepared the mechanical inspection report in this respect and proved the same on record as Ex. PW 6/A.

15. **PW-7 Dr. Naveen Kumar**, CMO, Dr. BSA Medical College, Rohini, Delhi, deposed that on 24.03.2014, I was posted at SHRC Hospital, Narela as Casualty Medical Officer. He deposed that he had seen MLC no. 892/14 dated 24.03.2014 of patient HC Raj Singh aged about 54 years. He deposed that as per record on 24.03.2014 at about 2:00 A. M. injured HC Raj Singh was brought to the hospital by HC Dharampal PCR with alleged history of road traffic accident around 20 to 30 minutes back. He deposed that injured was examined by him being Casualty Medical Officer. He deposed that as per local examination, there was mild tenderness was present on left side of chest and hip. He deposed that abrasions were present on left knee and foot. He deposed that after medical examination of injured, he prepared the detailed MLC in his handwriting from point X to X1 and proved on record the same as Ex.PW7/A. He deposed that after examination, injured was referred to SR Ortho. He deposed that SR Ortho examined the patient and his X-ray was done. He deposed that he perused the X-ray report of injured and opined on the MLC of injured as to nature of injuries as “**simple**” at point B.

16. **PW-8 Inspector Jaibir** is one of the Investigating Officer in the present FIR case. He deposed that on 04.09.2015 further investigation of the present case was marked to him by the order of concerned SHO. He further deposed that he had collected the case file from MHC (R). He further deposed that he had gone through the case file and he found that investigation of the present case file was almost complete. He further deposed that he had collected the complaint under section 195 Cr.PC qua the accused Joginder Singh from ACP namely Rajnish who was superior officer the injured Raj Singh and Ors. He further deposed that thereafter chargesheet was prepared by and filed it in the concerned court.

17. **PW-9 Inspector Satish Kumar** is the Investigating Officer in the present FIR case. He has narrated all the steps taken by him during the course of investigation. In his examination-in-chief, he correctly identified accused. He deposed that on the intervening night of 23/24.03.2014, after receiving DD No.5B dated 24.03.2014 regarding incident of hitting HC Raj Singh by scorio vehicle, he alongwith Ct. Shankar had gone to the spot that was Singhu Border, Delhi. He deposed that at the spot it was revealed that injured HC Raj Singh had already been taken to SHRC Hospital by the PCR Van. He deposed that then they had gone to SHRC Hospital where injured HC Raj Singh was found under treatment. He deposed that he recorded statement of HC Raj Singh as Ex.PW1/A. He deposed that he prepared rukka as Ex.PW9/A and handed over the same to Ct. Shankar for registration of FIR. He deposed that after registration of the case, Ct. Shankar came at the spot and handed over the original rukka and copy of FIR to him as he had reached at the spot from hospital.

PW-9 further deposed that at the spot, he prepared site plan at the instance of Ct. Laxman as Ex.PW9/A1 and also recorded statement of Ct. Laxman as well as Ct. Azad, who were working with HC Raj Singh at the time of incident. He deposed that they made efforts to trace the accused and vehicle but could not succeed, subsequently, he recorded the statement of Ct. Shankar. He deposed that on the next day, he had issued a notice U/s. 91 Cr. P.C. to the RTO of Sonapat at the registration number of the scorpio vehicle mentioned in the complaint and DD No. 5B and continued the search of accused, meanwhile he came to know that accused has got interim protection from the concerned court and he admitted his signatures on the said notice and proved on record as Ex. PW 9/ B and reply was also given by the concerned RTO Official on the said notice.

PW-9 deposed that on 07.04.2014, accused had joined the investigation in the present case and he had issued notice U/s. 133 M. V. Act to him to which he replied to the said notice and he proved on record the same as Ex.PW9/C. He deposed that on 09.04.2014, accused had produced his scorpio car bearing registration no. HR 10U 0789, which was seized by him vide seizure memo as Ex.PW9/D. He deposed that Mechanical inspection of the said vehicle was got conducted by him vide his request letter as Ex.PW9/E. He deposed that he had also collected the MLC of injured HC Raj Singh. He deposed that he had recorded the statement of Mechanical Inspector. He deposed that on 22.04.2014, accused Joginder was formally arrested vide arrest memo as Ex.PW9/F. He deposed that he had recorded the statement of PWs. He deposed that thereafter, he was transferred from PS Alipur and he handed the case file to MHC(R).

18. **PW-10 Sh. Rajnish**, Additional SP, Head Quarter, Lakshdeep deposed that on the intervening night of 23/24.03.2014, he was working as ACP, Alipur, Delhi. He further deposed that on that day, HC Raj Singh, Ct. Ajad and Ct. Laxman, they were deputed at Singhu Border, G.T.K Road for on picket checking duty. He further deposed that at about 1:30 A.M., while they were performing duty, driver of scorio car bearing registration no HR 10U 0789, intentionally hit HC Raj Singh by his Scorio car. He further deposed that Ct. Azad was indicating to stop the suspect people and HC Raj Singh was checking the vehicle. He further deposed that driver of the scorio car had tried to crush him by moving the car towards him and he (Ct. Azad) saved himself by climbing of the divider and at the same moment driver hit HC Raj Singh in order to crush him.

PW-10 further deposed that on 05.10.2016, the photocopy of case file of FIR No. 280/14, U/s.186/353/332/307 IPC PS Alipur was placed before him including statement of prosecution witnesses, site plan etc. and other documents. He further deposed that after going through all the relevant documents and on application of mind, he filed a complaint under Section 195 Cr.P.C and he proved on record the said complaint as Ex.PW10/A.

19. After completion of prosecution evidence, all the incriminating evidence coming on record was put to accused Joginder and his separate statement was recorded u/s 313 Cr..PC., wherein he denied the case of prosecution and claimed false implication. Accused Joginder did not wish to lead defence evidence and the matter was fixed up for final arguments.

20. This Court has heard Ld. Addl. PP for the State and ld. Counsel for accused and has also carefully gone through the judicial record.

21. Ld. Addl. PP for the State has submitted that prosecution has successfully proved its case against accused beyond reasonable doubt. It is further argued that despite the fact that complainant HC Raj Singh has turned hostile, the other eye-witness namely Ct. Laxman Kumar (PW-2) has supported the prosecution story and he has identified accused Joginder as the offender who was driving the Scorpio Vehicle bearing No. HR10U0789 at the time of alleged incident. It is argued that the testimony made by eye-witness namely Ct. Laxman Kumar (PW-2) and other prosecution witnesses clearly establishes that accused had made an attempt to murder complainant HC Raj Singh by hitting with his Scorpio Car bearing registration No.HR10U0789 while he was performing his duty. He further argued that the injuries caused to complainant HC Raj Singh have been duly proved on record by the doctors examined by prosecution in the present case. He prays to the Court that accused should be convicted in the present case as sufficient evidence against him on record.

22. On the other hand, Ld. Counsel for accused has submitted that accused has been falsely implicated in the present case by police. He has further argued that the injured / Complainant i.e. PW-1 HC Raj Singh has not supported the prosecution story and he has not identified accused as the one who had caused injuries to him while he was performing duty at the spot. He has further argued that the eye-witness i.e., PW-2 Ct. Laxman Kumar is an interested witness and he has wrongly

identified accused Joginder as the offender who was driving the offending vehicle and had hit HC Raj Singh at the spot. He has argued that in the present case, no Test Identification Parade (TIP) has been got conducted by the IO as he was fully aware that accused Joginder was not the person who had caused injuries to HC Raj Singh at the spot. He has further argued accused was not involved in the commission of the offence alleged against him and the prosecution has not been able to prove its case beyond reasonable doubt, therefore, he may kindly be acquitted in the present case.

23. To prove its case against accused, the prosecution was obliged to prove that on 24.03.2014 at about 01:30 AM at GTK Road, near Singhu Border, accused obstructed, assaulted and used criminal force against HC Raj Singh, Ct. Azad and Ct. Laxman who were on picket checking duty in discharge of their official duty. Further, accused hit HC Raj Singh with his Scorpio Car bearing registration No.HR10U0789 with such intention or knowledge and under such circumstances that if by the said act, had caused the death of above-said HC Raj Singh, he would have been guilty of committing his murder.

24. In the present case, the prosecution has examined as many as ten witnesses, out of which two are eye witnesses. The present FIR has been registered on complaint of PW-1 HC Raj Singh who is also an injured in the present FIR case. In his examination-in-chief, PW-1 HC Raj Singh has not supported the story of prosecution and he has turned hostile. He has not identified accused Joginder as the one who had hit his vehicle against him and got him injured. PW-1 has been

cross-examined at length by Ld. Addl. PP for State but nothing in favor of prosecution could be elicited from the witness. On the other hand, PW-1 HC Raj Singh has denied the suggestion that Scorpio Car bearing registration No. HR10U0789 came from Haryana side or that driver of the said car hit him knowingly with intention to kill him. His attention was drawn towards accused Joginder, however, he failed to identify him and categorically stated that he had not seen the driver at the spot as he was busy in writing work of checking of auto.

25. Second eye-witness i.e., PW-2 Ct. Laxman Kumar has identified accused Joginder and he has testified on the lines of prosecution story. He has testified that at about 01:30 AM, one Scorpio Vehicle bearing registration No. HR10U0789 came from the side of Haryana which was being driven by accused Joginder (correctly identified by witness) in fast speed. He further deposed that Ct. Azad Singh gave signal to stop the Scorpio, however, accused had not stopped and as a result of side of the said Scorpio brushed against Ct. Azad Singh, who climbed on the footpath and save himself. He further deposed that thereafter accused kept on driving the Scorpio in the same manner as a result of which his car struck against HC Raj Singh who fell down on the road and suffered injuries. He further deposed that then accused fled away from the spot in his car towards Narela side. In his cross-examination, PW-2 could not tell the DD Number by which he along with other police officials had been deputed on Night Picket Duty. He testified that no entry of the Scorpio Vehicle involved in the incident was made. He further testified that the Scorpio Vehicle had not touched the barricades while crossing the same. It is pertinent to mention that in the present case, no Test Identification Parade (TIP)

has been got conducted by the IO before Ld. Metropolitan Magistrate concerned for the reasons best known to him. It is further pertinent to mention that it has come in the testimony of PW-2 Ct. Laxman Kumar that while they were performing duty at Picket, PW-1 HC Raj Singh was checking the documents of vehicles. However, no public person i.e., driver / occupant of any vehicle present at the spot has been made witness of the alleged incident in the present FIR case. The injured i.e., PW-1 HC Raj Singh has not supported the prosecution story. Neither he has identified accused Joginder nor he has testified that he was being hit by Scorpio Vehicle bearing registration no.HR10U0789 which makes the story of prosecution suspicious and the testimony of police witness i.e., PW-2 Ct. Laxman Kumar unreliable.

26. It is also important to mention that the third eye-witness namely Ct. Azad was summoned, however, it was reported on the summons issued to PW Ct. Azad that he was suffering from paralysis since 14.12.2020 and was unable to move. The said PW was not examined by prosecution during the entire trial for the same reason.

27. The burden of proof on the prosecution is to prove the case by leading cogent, convincing and reliance evidence to prove the guilt of accused beyond reasonable doubt. Accused cannot be convicted on the basis of mere probabilities or presumptions. Suspicion, howsoever grave may be, cannot take place of proof. Every benefit of doubt goes in favor of accused.

28. In the light of the above discussion, accused Joginder is given benefit of doubt and he cannot be held guilty for offences alleged against him. Accused Joginder is hereby acquitted of the charges punishable U/s 186/353/307 IPC.

29. Accused Joginder is directed to furnish bail bonds U/s 437-A Cr.P.C., which shall remain in force for a period of six months from today. Previous surety stands discharged. Documents, if any, of the surety/sureties be returned to the rightful owner after due acknowledgment and endorsement, if any, made on it be cancelled accordingly.

**Announced in the open Court
today i.e. on 08th June, 2026.**

**(SUSHIL KUMAR)
Additional Sessions Judge-04
North District/Rohini Courts/Delhi.**