

**IN THE COURT OF DALJEET KAUR, PCS, SUB-DIVISIONAL
JUDICIAL MAGISTRATE, DHURI, UID No. PB0420**

Filing No. 1193 dated 15.07.2025
CHI-158-2025
CNR No.PBSGB1001198-2025
Date of decision: 01.12.2025

State

Versus

Lal Singh son of Gurnam Singh, resident of village Kumbarwal, Tehsil
Dhuri, District Sangrur.

FIR No.102 dated 18.10.2024
U/Section 106 of BNS
Police Station: City Dhuri

Present: Ms. Gagandeep Kaur, Learned APP for the State.
Accused on bail with counsel Sh. Romar Kapoor, Advocate.

JUDGMENT:-

1. Above named accused has been forwarded by Officer In charge of Police Station, City Dhuri, to stand trial for offence under Section 106 of The Bharatiya Nyaya Sanhita, 2023.

2. Briefly stated, case of the prosecution was registered on the basis of statement made by complainant Vivek Yadav son of Ram Bhajan Yadav, resident of Hebatpur, P.O. Khutauli, Tehsil Phoolpur, District Ajamgarh, Uttra Pradesh now resident of Sangatpura Mohalla, Dhuri with ASI Gurdev Singh, police Station City Dhuri on 18.10.2024 that he is resident of above mentioned address and is doing job in Omkar Gayer

Daljeet Kaur
SDJM, Dhuri
01.12.2025

Works Factory, Malerkotla Road Dhuri. His father namely Ram Bhajan Yadav have six siblings i.e. Ram Mayan, Ram Nayan, Ram Milan, Ram Sajjan, Ram Bhajan and Ram Jatan. Ram Milan is residing in Uttar Pradesh and all other brothers are residing in Dhuri from last 40 years and except his family, all other families are residing in Uttar Pradesh. His uncle (Taya) Ram Nayan used to work as a truck greasing worker in Truck Union Dhuri for the last 15 years. His son Parmod Kumar Yadav went to Germany for about 7/8 months ago and his two daughter and his wife are residing in Uttar Pradesh. On 17.10.2024 when he was working in the factory, he received a telephonic call that his uncle Ram Nayan had died due to accident with Tralla near Truck Union Dhuri. Thereafter, he alongwith his father and uncles Ram Mayan, Ram Sajjan, Ram Jatan reached Truck Union Dhuri where Surinder Singh son of Jagdev Singh, resident of Dhadra and others disclosed them that Tralla bearing no. PB13BC-9081 was standing on the road near Truck Union Dhuri. His uncle Ram Nayan was also standing on the road behind the truck. At about 04.45 PM, the driver of the said tralla namely Lal Singh resident of Kumbarwal suddenly drove the above-said tralla without blowing horn and without looking back, put the tralla in reverse and dragged his uncle Ram Nayan by back tyre of the truck, due to which his uncle died on the spot. Dead body of his uncle is lying at Civil Hospital Dhuri. The occurrence took place due to rash and negligent driving by the driver of tralla bearing registration no. PB13BC-9081. Action be taken against him.

3. The maker of the statement signed the said statement in token of its correctness. On the basis of statement of complainant, present case

was registered. Rough site plan of the place of occurrence was prepared at the instance of complainant. Postmortem of dead body was got conducted. Investigation of the case was conducted. Accused was arrested. Offending vehicle bearing registration no. PB13BC-9081 was taken into police possession. Statements of witnesses were recorded. After completion of necessary formalities, challan against the accused was prepared and presented in the Court.

4. On appearance of accused, copies of documents annexed with the report under section 193 of BNSS were supplied to the accused as relied upon by the prosecution, under section 230 of BNSS, free of costs.

5. After hearing Ld. APP for the State and the Ld. defence counsel, a prima-facie case was made out against the accused for having committed an offence punishable under Section 106 of Bharatiya Nyaya Sanhita, 2023, Charge was framed against accused accordingly, to which accused pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution examined PW-1 Dr. Ravindernath Medical Officer, PW2 complainant Vivek Yadav, PW3 Ram Jatan, PW4 Surinder Singh and PW5 Investigating Officer ASI Gurdev Singh. Thereafter, evidence of prosecution was closed.

7. Statement of accused was recorded separately under section 351 of BNSS, wherein all the incriminating evidence appearing against him was put to him, to which he pleaded that he is innocent. He has not committed any offence. He is falsely implicated in the present case. Accused did not opt to lead any evidence in his defence.

8. I have heard learned APP for the State, learned defence counsel and have perused the file with their able assistance.

9. At the very outset, complainant PW2 Vivek Yadav who is the material witnesses in this case, did not support the case of prosecution with regard to the identity of the person who caused alleged accident. When stepped into the witness box, he has categorically deposed that he is doing his duty in Omkar Gayer Works Factory, Malerkotla Road, Dhuri. His father namely Ram Bhajan Yadav have six siblings i.e. Ram Mayan, Ram Nayan, Ram Milan, Ram Sajan and Ram Yatan. Ram Milan is residing in Uttar Pradesh and all other brothers are residing in Dhuri from last 40 years. The families of all brothers are residing in Uttar Pradesh. His paternal uncle (Taya) Ram Nayan has been working in Truck Union Dhuri from last 15 years. He does the work of greasing the trucks. His son Parmod Kumar Yadav went to Germany from last 1-1/2 year and his other family members which includes two daughters and wife is residing in Uttar Pradesh. On 17.10.2024 he (complainant) was doing his work in the factory. He (complainant) received a telephonic call that his paternal uncle Ram Nayan was died near Truck Union Dhuri due to the accident. He alongwith his father Ram Bhajan and Paternal uncles went to Truck Union Dhuri. A truck was present at that place. He does not know the registration number of the truck. He does not know the name of the driver of the truck. He does not identify Lal Singh present in the Court. He is not the same person who had committed accident of his paternal uncle. His statement was never recorded by the police officials. This witness did not support the case of prosecution. This witness was declared

hostile on the request of learned APP for the State. Learned APP for the State was also allowed to cross-examine this witness but nothing incriminating came out against accused from his cross examination by learned APP for the State.

10. Prosecution further examined PW3 Ram Jatan who deposed that he is working as a vendor. They are six brothers namely Ram Bhajan Yadav, Ram Mayan, Ram Nayan, Ram Milan and Ram Sajan. Ram Milan is residing in Uttar Pradesh and all other brothers are residing in Dhuri from last 40 years. The families of all brothers are residing in Uttar Pradesh. His brother Ram Nayan has been working in Truck Union Dhuri from last 15 years. He does the work of greasing the trucks. His son Parmod Kumar Yadav went to Germany from last 1-1/2 year and his other family members which includes two daughters and wife is residing in Uttar Pradesh. On 17.10.2024 he received a telephonic call that his brother Ram Nayan was died near Truck Union Dhuri due to the accident. He alongwith Vivek Yadav and his brothers went at Truck Union Dhuri. A truck was present at that place. He does not know the registration number of the truck. He does not know the name of the driver of the truck. He does not identify Lal Singh present in the Court. He is not the same person who had committed accident of his paternal uncle. His statement was never recorded by the police officials. This witness also did not support the case of prosecution. This witness was also declared hostile on the request of learned APP for the State. Learned APP for the State was also allowed to cross-examine this witness but nothing incriminating

came out against accused from his cross examination by learned APP for the State.

11. Prosecution further examined PW4 Surinder Singh, eye witness, who has categorically deposed that he has not seen any accident. He does not identify Lal Singh present in the Court and his statement was never recorded by the police officials. This witness also did not support the case of prosecution. This witness was also declared hostile on the request of learned APP for the State. Learned APP for the State was also allowed to cross-examine this witness but nothing incriminating came out against accused from his cross examination by learned APP for the State.

12. There is no other eye witness of the alleged occurrence. The other witnesses i.e. PW1 and PW5 are formal in nature and all the material witnesses have already turned hostile and none of them spoke even a word as to the identity of the offender being the person facing trial in this case. Rather, as per the evidence led on record by prosecution, material witnesses deposed that they do not identify the accused Lal Singh present in the Court. Thus, there is nothing on record to connect the accused with the commission of alleged occurrence.

13. Consequently, I am of the considered opinion that prosecution has miserably failed to connect the accused with the alleged occurrence, beyond shadow of reasonable doubt. Thus, by extending benefit of doubt, accused facing trial is hereby acquitted of the charges framed against him giving him the benefit of doubt. Bail bonds already furnished by accused be considered as bail bonds for the purpose of Section 437-A Cr.P.C./481 of BNSS for the period of six months. In case no appeal or revision is filed

within a period of 6 months from today, the bail bond and surety bond so furnished shall stand discharge automatically from their liabilities, without there being any necessity to pass any fresh order in this regard. Case property, if any, be disposed of as per rules, after the expiry of period of appeal or revision if any filed by the State. File be consigned to the Record Room, Dhuri, after due compliance.

Pronounced in open Court
Dated: 01.12.2025
Saurav, Stenographer

(Daljeet Kaur)
Sub Divisional Judicial Magistrate,
Dhuri. (UID No. PB00420)

Present: Ms. Gagandeep Kaur, Learned APP for the State.
Accused on bail with counsel Sh. Romar Kapoor, Advocate.

PW5 ASI Gurdev Singh is present and examined completely.

At this Stage, learned APP for State closed the prosecution evidence vide separate statement.

Statement of accused recorded under Section 351 of BNSS.
Accused did not opt to lead any evidence in his defence.

Arguments heard. Vide my separate detailed judgment of the even date, accused has been acquitted of the charges framed against him, as detailed therein. Bail bonds already furnished by accused be considered as bail bonds for the purpose of Section 437-A Cr.P.C./481 of BNSS for the period of six months. In case no appeal or revision is filed within a period of 6 months from today, the bail bond and surety bond so furnished shall stand discharge automatically from their liabilities, without there being any necessity to pass any fresh order in this regard. Case property be disposed of as per rules, after the expiry of period of appeal or revision if any filed by the State. File be consigned to the Record Room, complete in all respects.

Pronounced in open Court
Dated: 01.12.2025
Saurav, Stenographer

(Daljeet Kaur)
Sub Divisional Judicial Magistrate,
Dhuri. (UID No. PB00420)

Daljeet Kaur
SDJM, Dhuri
01.12.2025