

In the Court of Dr. Daya Nand Bhardwaj, Sessions Judge, Yamuna Nagar
(UID Code : HR0100)

CNR No. HRYN010071492019

CIS No. CRA-248 of 2019

Date of Institution: 6.7.2019

Date of Decision: 2.7.2026

Labh Singh, aged 40 years, son of Shri Singh Ram, resident of Village
Bouhli, Police Station Sadar Pipli, District Kurukshetra.

...Appellant-Accused

Versus

State of Haryana

...Respondent

Case FIR No. 130 dated 7.7.2016

Under Sections: 279, 337, 338 IPC

Police Station: Chhappar

Appeal against judgment of conviction dated 4.6.2019 and
order dated 6.6.2019 on quantum of sentence passed by the
Court of Shri Rajat Verma, then learned Judicial Magistrate 1st
Class, Yamuna Nagar at Jagadhri.

Present: Appellant-convict Labh Singh on bail with Shri Joginder
Singh Sagri, Advocate.
Shri Ajay Sandhu, Assistant Public Prosecutor for the
respondent-State.

JUDGMENT:

Appellant Labh Singh (hereinafter called the accused), has
filed this appeal being aggrieved by the judgment of conviction dated
4.6.2019 and order on quantum of sentence dated 6.6.2019 passed by the
Court of Shri Rajat Verma, then learned Judicial Magistrate 1st Class,
Yamuna Nagar at Jagadhri in criminal case No. 65 (RBT) of 2016, CIS
No. CHI-1312 of 2016 titled as 'State Versus Labh Singh'.

(Dr. Daya Nand Bhardwaj)
Sessions Judge, Yamuna Nagar

2. Relevant facts for disposal of the appeal are that on 5.7.2016, on receipt of a telephonic information regarding admission of Ram Pal as a case of road side accident, HC Mahender Singh reached the hospital but the injured was declared unfit to make statement. On 6.7.2016 and 7.7.2016 also, injured Ram Pal was declared not fit to make statement. On 7.7.2016, complainant Hardeep Singh, a private security guard in Yamuna Nagar, eye witness of the accident, got his statement recorded to the effect that on 5.7.2016 at about 7.30 a.m., he left his house on his motor cycle No. HR-02AH-1911 for going to his duty. Just after coming out of the village, he saw Ram Pal, a teacher in Pabni school, going ahead of him to the school on his Honda motor cycle No. HR-02AF-3855. After covering a distance of around half a kilometer from the village, when they reached towards village Pabni, a car bearing No. HR-07S-2821 being driven in a rash and negligent manner came from the side of village Pabni and hit the motor cycle of Ram Pal. Due to the accident, Ram Pal fell on the road along with the motor cycle. He (complainant) immediately stopped and attended to the injured Ram Pal. Teachers as well as other persons also reached the spot. The injured was taken to Gaba Hospital, Yamuna Nagar in the car of PTI Krishan Kumar of Pabni school. The accident was caused by the driver of the car while driving his Maruti Swift Dzire car bearing No. HR-07S-2821 in a rash and negligent manner. On the basis of the statement, FIR No. 130 dated 7.7.2016 under Sections 279, 337 IPC was registered at Police Station Chhappar. Investigation was conducted. During investigation, Section 338 IPC was added to the FIR.

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Car bearing No. HR-07S-2821 and motor cycle bearing No. HR-02AF-3855 were taken into police possession. Accused Labh Singh was arrested. After completion of investigation and other usual formalities, challan was presented to court for trial of accused Labh Singh under Sections 279, 337, 338 IPC.

3. Copies of challan were supplied to the accused free of costs. There being a prima facie case under Sections 279, 337, 338 IPC, accused was accordingly charge sheeted thereunder to which he pleaded not guilty and claimed trial.

4. In order to prove its case against the accused, prosecution examined PW1 HC Mahinder Singh, PW2 Hardeep Singh (complainant), PW3 ASI Hoshiar Singh, PW4 Vandana, MO, Gaba Hospital, Yamuna Nagar, PW5 Hardeep Singh son of Jaswant Singh, PW6 Ram Pal, injured, PW7 HC Randhir Singh and PW8 HC Jagjit Singh. Thereafter, evidence of the prosecution was closed by the learned Public Prosecutor.

5. Statement of accused under Section 313 Cr.P.C. was recorded wherein he alleged false implication. No evidence in defence was led by him.

6. After hearing the learned counsel for the parties and going through the record, the learned trial Court acquitted the accused of the charge under Section 338 IPC but held him guilty and convicted him under Sections 279 & 337 IPC vide impugned judgment dated 4.6.2019 and vide impugned order dated 6.6.2019, while declining the relief of probation to the accused, sentenced him to undergo rigorous

imprisonment for a period of three months each under Sections 279 & 337 IPC and to pay fine of ₹1000/- under Section 279 IPC and ₹500/- under Section 337 IPC. Both the sentences awarded were ordered to run concurrently. Fine imposed was paid before the learned trial court.

7. Aggrieved by impugned judgment of conviction and order of sentence, the appellant has come up in this appeal.

8. I have heard the learned counsel for the accused and the learned Assistant Public Prosecutor for the State and gone through the record.

9. Accused Labh Singh is in appeal before this Court being aggrieved by his conviction under Sections 279 & 337 IPC vide order dated 4.6.2019 and sentence awarded to him thereunder vide order dated 6.6.2019.

10. The prosecution forwarded the accused for trial with the allegation that on 5.7.2016, he, while driving car bearing No. HR-07S-2821 in a rash and negligent manner, hit motor cycle No. HR-02AF-3855 of injured Ram Pal and as a result of the accident, Ram Pal fell on the road and sustained injuries.

11. The very material issue in the case is identity of the accused Labh Singh. Complaint Ex.PW1/H was made by PW3 Hardeep Singh, who, at the time of accident, according to prosecution case, was following Ram Pal injured on a separate motor cycle. There is nothing in the complaint that he could see driver of the car which hit motor cycle of Ram Pal injures though number of the car HR-07S-2821 is mentioned

therein. With regard to name and address of the accused-driver, it is mentioned in the complaint Ex.PW1/H that name of driver of the car was later on known to be Labh Singh son of Singh Ram, caste Jaat, resident of Bohli, Police Station Sadar Pipli.

12. This complaint/statement was made by PW3 Hardeep Singh to the police on 7.7.2016 whereas the accident took place on 5.7.2016. From whom complainant Hardeep Singh came to know name and address of car driver, is not known. In his statement before the court PW3 complainant Hardeep Singh deposed that after causing the accident, the driver of the car had run away. It is also in his cross-examination that he was not called the day the accused was produced in the police station. He, at the time of accident, was at a distance of half '*killa*' (from the accident place). This is a big distance to identify driver of a moving car. It is not out of place to mention here that PW6 injured Ram Pal, in his cross-examination, has stated that he had seen the car from a distance of 200 meters and that one can see a person in a car from that distance but cannot identify him. So identity of the accused Labh Singh by the witnesses in the court as driver of the car causing accident is for the first time. Therefore, in the totality of facts and circumstances of the case, identification of the accused as driver of the car causing accident cannot be said to have been proved beyond doubt.

13. The accident took place on 5.7.2016 at about 7.30 a.m. After the accident, injured Ram Pal was taken to Gaba Hospital from where a rukka Ex.PW1/A was sent to the police same day at about 8.12 a.m.

According to prosecution version, the injured was unfit for statement on 5.7.2016, 6.7.2016, 7.7.2016 and 8.7.2016. PW4 Dr. Vandana, Medical Officer, Gaba Hospital deposed that opinion Ex.PW1/E regarding patient (injured) being unfit for statement on 6.7.2016 was given by her. Opinion Ex.PW1/C dated 5.7.2016, Ex.PW1/F dated 7.7.2016 and Ex.PW1/N dated 8.7.2016 were given by Dr. Harjot but he has not been examined. PW5 Dr. Vandana in her cross-examination has further admitted that patient was conscious and he himself had given the history of the accident. In these facts and circumstances of the case, it is not proved beyond doubt that injured Ram Pal actually remained unfit for statement as is alleged by the prosecution particularly in view of admission of PW Dr. Vandana that he was conscious and himself had given the history. Thus, the delay in lodging the FIR is not properly explained. A prompt FIR rules out possibility of any fabrication or making the complaint after due deliberation and consultations. On this account also, the prosecution case suffers a serious doubt rendering the prosecution version doubtful.

14. According to PW7 HC Randhir Singh, accused was produced on 9.7.2016 by one Pritam Singh and thereafter he was joined in investigation by the investigating officer. To the same effect is the statement of PW1 HC Mahinder Singh, investigating officer. This Pritam Singh has not been produced and examined as a witness. It caused a very serious doubt about truthfulness of prosecution version. Once the prosecution failed to establish beyond doubt that accused Labh Singh was driving the car at the time of accident, he is not properly connected to the

accident in question beyond shadow of reasonable doubt.

15. PW3 ASI Hoshiar Singh, a formal witness, mechanically inspected the car in question and the motor cycle of injured Ram Pal on 9.7.2016 vide his reports Ex.PW3/A and Ex.PW3/B. PW5 Hardeep Singh reached the spot on receipt of intimation regarding the accident. PW8 HC Jagjit Singh took Tehreer to police station for registration of FIR. He is also a witness of recovery of the car and motor cycle involved in the accident vide memo Ex.PW1/C. Testimony of these witnesses is also not sufficient to prove that it was the accused Labh Singh who was driving the car in question at the time of accident.

16. Since identity of accused Labh Singh as driver of car No. HR-07S-2821 and driving it in rash and negligent manner at the time of accident is not established, charge under Section 279 IPC against him is not proved beyond reasonable doubt. Consequently, his causing injuries to Ram Pal by driving the said car in rash and negligent manner is also not proved. Prosecution failed to prove case against accused Labh Singh under Section 337 IPC also. The observation of learned Trial Court with regard to prosecution being successful to establish identity of accused Labh Singh as driver of car No. HR-07S-2821 which caused the accident resulting into injuries to injured Ram Pal is legally unsustainable, liable to be set aside and is accordingly set aside.

17. It is settled law that the prosecution is required to prove its case against the accused beyond shadow of reasonable doubt. However, in view of the facts and circumstances of the case discussed above, the case

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of the prosecution is not proved beyond shadow of reasonable doubt. A doubt in prosecution case would tilt the scale in favour of the accused. The prosecution case may be true but law requires it must be true. There is a long distance between “may be true” and “must be true”, which has to travel alone. The prosecution has failed to do so in this case. Prosecution has not been able to bridge the yawning gaps in its story. Resultantly, accused is entitled to benefit of doubt and consequent acquittal.

18. Consequently, the impugned judgment of conviction dated 4.6.2019 and order on sentence dated 6.6.2019 are hereby set aside. The appeal is allowed. Accused Labh Singh is acquitted of the charges under Sections 279 and 337 IPC. In terms of order dated 21.5.2025, bail bonds and surety bonds of the accused shall stand discharged after six months from today. Trial court record along with copy of this judgment be sent back. Appeal file be consigned to records.

Pronounced in open Court:
Dated: 2.7.2026

(Dr. Daya Nand Bhardwaj)
Sessions Judge, Yamuna Nagar
(UID No.HR0100)

‘Rajni’
Stenographer G-I

Note: All the pages of this judgment have been checked and signed by me.

(Dr. Daya Nand Bhardwaj)
Sessions Judge, Yamuna Nagar
(UID No.HR0100)