

PBLDA10021092024



Presented on : 07-05-2024

Registered on : 07-05-2024

Decided on : 02-08-2025

IN THE COURT OF

Judicial Magistrate - Ist Class

AT Khanna,Ludhiana

(Presided Over by Ms. Sandeep Kaur-I)

CHI/133/2024

State	Versus	Vinay Kumar S/o Charan Dass R/o Village Jhansa,District Kurukshetra, Haryana. Accused
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FIR No. 101 dated 23.06.2023

Under Sections 279,337, 338,304-A,427 of IPC,

Police Station : City, Khanna.

Present: Sh. Dhanesh Kumar, Ld. APP for the State.

Accused on bail with counsel Sh. Kapil Wadhawa Advocate.

JUDGMENT:-

1. The above stated accused has been forwarded by the Officer In-charge, Police Station City, Khanna before this court to face trial for the commission of offence punishable under sections 279/337/338/304-A/427 of Indian Penal Code in case bearing F.I.R. No. 101 dated 23.06.2023, P.S. City Khanna, Khanna.
2. The prosecution story, in brief, is that on 23.06.2023 Uttam complainant got recorded his statement to the effect that on 23.06.2023 he along with his wife

namely Asha Rani and elder son, Vipanjot and Younger son Simardeep singh having age of 7/8 months was going towards his village from Macchiwara on his motorcycle bearing registration No.PB 23 N 1459 make Splendor. Then at about 04:30 PM when they reached near the bridge of billa wali chapari, then one car bearing No. HR 01 AE 0277 make Alto came from his back side in very high speed and in rash and negligent manner and same hit backside of his motorcycle resultly they all fell down from the motorcycle towards opposite side. Then the local passerby were care them in that moment and took them at Civil Hospital Khanna where the concerned medical officers declared brought dead of his son Vipanjot Singh and they were remained under treatment. Statement of complainant recorded. After recording the statement of complainant, on the basis of same formal FIR was registered. Investigating officer prepared inquest report of dead body of Vipanjot Singh and sent the same for postmortem examination. He also prepared rough site plan. Statement of witnesses were recorded. Offending vehicle and accidental vehicle alongwith RC and driving license were taken into police possession. Accused was arrested. On the completion of investigation and other formalities, challan against accused was presented in the court.

3. On appearance of accused in court, copies of all the documents sent along with the report and relied upon by prosecution, were supplied to him, free of costs as per mandatory requirement of section 207 Cr.P.C.

4. From the perusal of those documents and after hearing learned A.P.P. for the State and learned defence counsel, sufficient grounds were made out to initiate trial against accused for the commission of offences punishable under sections 279, 337, 338, 304-A, 427 of IPC and charges was framed accordingly, to which accused pleaded not guilty and claimed trial.

5. To substantiate its case, prosecution examined following witnesses:-

PW1	Rtrd ASI Harwinder Singh (Investigating officer)	Witness to prove on record police proceedings Ex.P1, FIR Ex.P2, inquest report Ex.P3, application to conduct postmortem report Ex.P4, statement of witness under section 175 Cr.P.C Ex.P5 and Ex.P6, receipt of handing over of dead body Ex.P7, site plan Ex.P8, police possession memo Ex.P9 and Ex.P10, arrest memo Ex.P11, personal serach Ex.P12, intimation Ex.P13, case property Ex.MO1 and Ex.MO2.
PW2	HC Rajwinder Singh (recovery witness)	Witness to prove on record recovery memo Ex.P9, arrest memo Ex.P11, personal search Ex.P12, intimation memo Ex.13.
PW3	Dr. Gurwinder Singh Medical Officer, Civil Hospital Khanna	Witness to prove on record Post mortem report Ex.PW3/1,
PW-4	Uttam singh (complainant)	Witness to prove on record is statement Ex.PW4/A, case property Ex.MO1 and Ex.MO2.

Thereafter, on 17.06.2025 Ld. APP for the state closed the prosecution evidence.

6. Statement of accused was recorded in terms of section 313 Cr.P.C, so as to

apprise him of the incriminating circumstances appearing against him in evidence led by prosecution, to which he pleaded his innocence and claimed false implication.

7. This court has heard the submissions made by learned APP for the State and learned defence counsel and has gone through the prosecution evidence. From the entire case, following points for determination emerge out of:

1. *Whether on 23.06.2025 at about 04:30 PM in the area of PS city Khanna, accused drove car bearing No. HR01AE0277 in a rash and negligent manner so as to endanger the life and safety of general public and others?*
2. *Whether n the same date, time and place, accused drove car bearing No. HR01AE0277 in a rash and negligent manner which cause hurt to Uttam Singh?*
3. *Whether n the same date, time and place, accused drove car bearing No. HR01AE0277 in a rash and negligent manner which cause greivous hurt to Uttam Singh?*
4. *Whether on the same date, time and place, accused drove above mentioned vehicle on a public way in a rash and negligent manner and caused death of Vipanjot Singh which is not amounting to culpable homicide?*
5. *Whether on the same date, time and place, accused damaged the motorcycle bearing No. PB23N1459 of complainant of value more than Rs.50/-?*
6. *Whether the evidence of prosecution led on record is sufficient to hold the accused guilty and to convict and sentence him under section 279/304-A/427 IPC?*

POINT NO.1 to 6 FOR DETERMINATION:-

8. In order to bring home the guilt against the accused, prosecution examined the investigating officer **PW1 ASI Harwinder Singh** , who proved the sequence of investigation and proved on record following documents: police proceedings **Ex.P1**, FIR **Ex.P2**, inquest report **Ex.P3**, application to conduct postmortem report **Ex.P4**, statement of witness under section 175 Cr.P.C **Ex.P5 and Ex.P6**, receipt of handing over of dead body **Ex.P7**, site plan **Ex.P8**, police possession memo **Ex.P9 and Ex.P10**, arrest memo **Ex.P11**, personal search **Ex.P12**, intimation **Ex.P13**, case property **Ex.MO1 and Ex.MO2**.

9. Further, prosecution examined PW-2 HC Rajwinder Singh, who examined in chief partly. Thereafter, he did not turn up in the court for his remaining examination in chief and cross-examination. Therefore, his partial deposition cannot be read into evidence.

10. Further, prosecution examined PW-3 Dr. Gurwinder Singh Medical officer who deposed regarding postmortem of the deceased Vipanjot Singh and proved on record post mortem report **Ex.PW3/1**.

11. Lastly, the prosecution has examined Uttam Singh i.e. complainant as PW4 but PW4 Uttam Singh being complainant of the present case, has not supported the prosecution version. The said witness during his examination in chief deposed that on 23.06.2023 he along with his family were going towards his village from Macchiwara on his motorcycle, where at about 04:30 PM when they reached near the bridge of billa wali chapari, then one car bearing No. HR 01 AE 0277 came from his back side in very high speed and in rash and negligent manner and hit backside of his

motorcycle resultly they all fell down from the motorcycle. Then the local passerby were care them in that moment and took them at Civil Hospital Khanna where the concerned medical officers declared brought dead of his son Vipanjot Singh. He further deposed to the extent that he did not identify the accused person present in the Court. During his cross examination also he deposed that the accused has neither caused the accident with his motorcycle nor caused the death of his son.

12. The Court has considered rival arguments and judicial file is perused. No doubt, by way of examining PW1 ASI Harwinder Singh, prosecution tried to prove on record investigation part conducted by the investigating agency, but the evidence of this witness is of no avail to the prosecution, more particularly, when the complainant PW4 Uttam Singh being material witness of the present case has not supported the prosecution version. Further the medical officer PW3 proved the postmortem report (Ex. PW3/1) but there is nothing in his examination to prove anything about the alleged incident on 23.06.2023. No other evidence or prosecution witness has been examined by the prosecution. The direct and cogent evidence, to connect the accused with the commission of the offence, is missing in this case. When there is no direct evidence against the accused, therefore, the accused cannot be held liable for the occurrence alleged by the complainant.

13. Therefore, in view of abovementioned discussion, it is clear that prosecution has miserably failed to prove its case against the accused. Consequently, accused present in the Court namely **Vinay Kumar** is ordered to be ***acquitted*** from the charges framed against him. Bail bonds and surety bonds of the accused are kept intact for another six months in compliance with Section 437-A of Cr.P.C. in order to ensure the presence of accused in appeal or revisional Court as the case may be, in case any appeal or revision is preferred by the State. It is clarified here that on expiry

of six months from the date of this judgment, these bonds shall stand automatically discharged. The case property, if any, is ordered to be disposed of as per rules, after awaiting the result of appeal/revision, if any. File be consigned to the Judicial Record Room, Khanna, after doing the needful.

Pronounced in Open Court:
Dated :02.08.2025

**“Jasdeep Kaur
Stenographer-III”**

(directly dictated)

(Sandeep Kaur-I), PCS,
Judicial Magistrate Ist Class,
Khanna.(UID-PB0755).