

State Vs. Harpreet Singh
CNR No. PBLDC1-000056-2022
CIS No. CHI-13-2022
Date of Decision: 10.08.2022

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FIR No. and date	186/08.10.2021
Decided on	10.08.2022
CNR No.	PBLDC1-000056-2022

IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS,
SAMRALA.
(PRESIDED OVER BY Ms. RAMANDEEP NEETU – PB0452)
CHI-13-2022

State of Punjab
VERSUS
Harpreet Singh son of Jagtar Singh, resident of Bhukri Kalan, PS Division
No.7 Ludhiana, District Ludhiana.

..... Accused

FIR No. 186 Dated: 08.10.2021
Under Sections: 279, 337, 338, 427 of the Indian Penal
Code
P. S. Machhiwara Sahib.

PRESENT: Ms. Shashi Bala, APP for the State.

Accused on bail.

Sh. Kuldeep Kumar, Advocate, counsel for the accused.

JUDGMENT:

Accused Harpreet Singh was sent up to face trial under
Sections 279, 337, 338, 427 of the Indian Penal Code (here-in-after ‘IPC’
for short) by the SHO of Police Station, Machhiwara Sahib.

CASE OF THE PROSECUTION:

2. The case of the prosecution is that the FIR was registered on
the statement of complainant Harpreet Singh son of Kewal Singh, resident
of Prem Nagar, Machhiwara Sahib. As per the said statement, the

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complainant does household work. On 06.10.2021 at about 12.00 noon, the complainant and his wife namely Jaswinder Kaur had gone to the market to buy some household articles and were going back to their house on their Aactiva scooter bearing No.PB-43F-0695. The complainant was riding the said scooter while his wife was riding pillion. Upon reaching near Gate Gani Khan Nabi Khan, one car came from behind in a rash and negligent manner and the driver of the said car, without blowing the horn and without applying brakes, hit the Aactiva scooter of the complainant and caused an accident. The complainant's wife fell down and received injuries. The driver of the car parked the car on the side and came to the complainant and his wife, where he disclosed his name as Harpreet Singh, resident of Bhukri. The number of the car was PB-10BS-4039. The complainant took his wife for treatment to Fortis Hospital, Mohali. Thereafter, investigation was initiated. Car bearing No. PB-1-BS-4039, along with photocopy of the registration certificate, was produced by Jaspreet Singh son of Mehar Singh and was taken into possession by the police. Accused Harpreet Singh was arrested on 11.11.2021. Site plan was prepared. Statements of the witnesses under Section 161 Cr.P.C. were recorded. After completion of investigation and other attendant formalities, a report was prepared in terms of Section 173 of the Code of Criminal Procedure, 1973 and was presented in the Court.

COMPLIANCE U/S 207 CrPC:

3. On presentation of the report under Section 173 of the Code

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of Criminal Procedure, 1973, in the Court, copies of documents relied upon by the prosecution were supplied to the accused free of cost, as provided under Section 207 of the Code of Criminal Procedure, 1973.

CHARGES FRAMED AGAINST THE ACCUSED:

4. Finding a prima-facie case under Sections 279, 337 and 338 IPC, charge was framed against the accused under the said Sections of the Code, to which the accused pleaded not guilty and claimed trial.

BRIEF SUMMARY OF PROSECUTION EVIDENCE:

5. In order to prove its case, the prosecution examined complainant Harpreet Singh as PW1 and Jaswinder Kaur as PW2. Thereafter, the evidence of the prosecution was closed by order by this court vide order of even date.

STATEMENT OF THE ACCUSED U/S 313 CrPC:

6. Recording of the statement of the accused u/s 313 CrPC was dispensed with as there was nothing incriminating against the accused on the file, which could be put to the accused.

ARGUMENTS ADVANCED BY THE PROSECUTION AND BY THE DEFENCE:

7. The learned APP for the State and the learned counsel for the accused have been heard and the record has been perused with due care and circumspection.

8. The learned APP for the State argued on the same lines as the case of the prosecution and prayed for the conviction of the accused and

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for imposition of proper sentence accordingly.

9. On the other hand, the learned defence Counsel contended that the prosecution has failed to prove the case against the accused beyond reasonable doubt. Accordingly, a prayer has been made by the learned defence counsel for acquittal of the accused.

POINTS FOR DETERMINATION:

10. From the report under Section 173 (2) of the Criminal procedure Code, 1973, and the documents attached therewith, the following points for determination arise in the present case:

I. Whether on 06.10.2021 at about 12:00 noon in the area of PS Machhiwara Sahib, the accused drove car bearing No. PB-10BS-4039 in a rash and negligent without blowing horn on the public road so as to endanger human life and personal safety of others?

II. Whether on the same date, time and place as above, the accused, while driving the above said vehicle in a rash and negligent on the public road, caused simple hurt to Jaswinder Kaur?

III. Whether on the same date, time and place as above, the accused, while driving the above said vehicle in a rash and negligent on the public road, caused grievous hurt to Jaswinder Kaur?

PROSECUTION EVIDENCE:

11. The cardinal principle of criminal jurisprudence is that the prosecution must prove the case against the accused beyond every reasonable doubt and the onus to prove the guilt of the accused to the hilt

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is on the prosecution and it never shifts. The prosecution has to stand on its own legs so as to prove its case and it cannot derive any benefit from the defence version. In the light of these principles this court will now determine the guilt of the accused in the light of the evidence led by the prosecution, as discussed hereinafter.

12. **Complainant Harpreet Singh** was examined as **PW1** and he deposed as under:

“Stated that I am resident of above said address. On 06.10.2021, at about 12 pm, I along with my wife Jaswinder Kaur was going to market by Activa bearing no. PB 43 F 0695, then from the backside one vehicle I.e. car hit with my Activa and my wife suffered injuries and I took her to Fortis Hospital Mohali for her treatment. I do not know the registration number of the said car. I do not know the the name of driver of the said car. I do not identify the accused present in the court. I have not given any statement to the police.” At this, the learned APP for the State sought the permission of the Court to declare the witness hostile and to cross-examine him, as he was suppressing the truth and resiling from his previous statement. The necessary permission was granted to the learned APP for the State and the witness was declared hostile and was cross-examined by the learned APP for the State.

13. **Jaswinder Kaur** was examined as **PW2** and she deposed as under:

“Stated that I am resident of above said address. On

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06.10.2021, at about 12 pm, I along with my husband Harpreet Singh were going to market by Activa bearing no. PB 43 F 0695, then from the backside one vehicle I.e. car hit with our Activa and I suffered injuries and my husband took me to Fortis Hospital Mohali for my treatment. I do not know the registration number of the said car. I do not know the the name of driver of the said car. I do not identify the accused present in the court. I have not given any statement to the police. Copy of my identify proof i.e. my Aadhaar Card is

Mark PF.” At this, the learned APP for the State sought the permission of the Court to declare the witness hostile and to cross-examine her, as she was suppressing the truth and resiling from her previous statement. The necessary permission was granted to the learned APP for the State and the witness was declared hostile and was cross-examined by the learned APP for the State.

14. Thereafter, the evidence of the prosecution was closed by order by this court vide order of even date as the complainant and the injured in the present case had turned hostile and had failed to support the case of the prosecution. The evidence of the remaining witnesses being formal in nature, no useful purpose would have been served by examining them.

FINDINGS ON POINTS FOR DETERMINATION NO. I TO III:

15. Points for determination no. I to III are being taken up together since these points are interconnected and also in order to avoid repetition of facts and evidence. In light of the prosecution evidence, as detailed above and after hearing the learned APP for the State and the learned counsel for the accused and after going through the case file

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diligently, this Court is of the considered view that the prosecution has miserably failed to prove the charges framed against the accused. Complainant/PW1 Harpreet Singh and PW2 Jaswinder Kaur failed to identify the accused as the person, who was driving the offending vehicle on 06.10.2021. The said witnesses categorically deposed that they did not know the registration number of the said car and that they did not know the name of the driver of the said car. They also deposed that they do not identify the accused present in the court. They further deposed that they had not given any statement to the police. The said witnesses were cross examined at length by the learned APP for the State but she was unable to extract anything favourable to the prosecution from the mouth of the said witnesses.

16. In light of the foregoing discussion, this court is of the considered view that complainant/PW1 Harpreet Singh and PW2 Jaswinder Kaur, who were the star witnesses of the present case, failed to support the case of the prosecution and did not identify the accused as the driver of the offending vehicle. The prosecution has failed to prove that the accused was present at the time of the accident. Therefore, from the evidence available on record it cannot be said that on 06.10.2021, the accused was driving car bearing no. PB-10BS-4039 in a rash and negligent manner and while driving the said vehicle in the said manner, he caused injuries to Jaswinder Kaur. There is nothing on the file to connect the present accused with the offence in question. All the points for

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determination are accordingly answered in the negative.

CONCLUSION:

17. As a result of the foregoing discussion, this Court is of the view that the case of the prosecution has not been proved and it has fallen short of the requisite standard of proof required in criminal proceedings. Therefore, the accused, namely **Harpreet Singh**, is hereby acquitted of the charges framed against him. The bail bonds and surety bonds of the accused stand discharged. The case property, if any, be disposed of as per rules after the expiry of period of appeal/revision, if any. File be consigned to the record room after due compliance.

Pronounced in open Court:

Dated: 10.08.2022

**(Ramandeep Neetu-PB0452)
Judicial Magistrate First Class
Samrala.**

NOTE: This judgment contains 8 pages and each page bears my signatures. All the cuttings have been initialed by me.

Typed by Pooja Rani/Stenographer Gr II (Directly dictated)