

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRR-178-2026 (O&M)

Date of reserved: 09.04.2026.

Date of Pronouncement: 01.05.2026.

Jatinder Talwar

...Petitioner.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Argued by: Mr. Dharamvir Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner is seeking setting aside the judgment of acquittal dated 05.07.2022 passed by learned trial Court as well as judgment dated 21.07.2025 passed by learned Appellate Court, vide which the appeal filed by the petitioner was dismissed and respondents No.2 and 3 were acquitted in case FIR No.71 dated 05.04.2015, under Sections 279, 283, 304-A and 427 IPC, registered at Police Division No.8, Jalandhar.

2. The brief facts of the present case are that on 05.04.2015, ASI Mohan Lal along with a police party was present at Police Station Division No. 8, Jalandhar, when information regarding an accident between an Activa

and a bus near Pathankot Chowk was received through wireless communication. Thereafter, the police party proceeded to the spot at Pathankot Chowk, where the complainant Lalit Kumar was found present and his statement was recorded. It was stated by the complainant that on the said day, he along with his sister Rajni Rani was returning from Dear Beas on his Activa bearing registration No. PB-10-EK-9968 and was proceeding towards Ludhiana. When they reached near Ranveer Classic Hotel, Pathankot Chowk, at about 4:00 PM, a white-coloured bus which was being driven in a rash and negligent manner came from backside and struck against their Activa, as a result of which Rajni Rani fell on the road and the complainant fell on the other side. The tyre of the bus ran over the foot of Rajni Rani and she was dragged to some distance. In the meantime, another Punjab Roadways bus also hit the Activa. The registration number of one of the offending buses was noted as No.PB-29-R-4659, which was being driven by Avtar Singh, while the other bus bearing registration No. PB-02-AY-7272 was being driven by Ashok Kumar. When injured Rajni Rani was being taken to Civil Hospital, Jalandhar, she succumbed to her injuries on the way. On the basis of the aforesaid statement, FIR was registered. Rough site plan was prepared, the post-mortem examination of the deceased was conducted, and the offending vehicles along with the damaged Activa were taken into police possession. The accused persons were arrested. Statements of witnesses were recorded. After completion of investigation, challan was presented against the accused under Sections 279, 283, 304-A, and 427 of IPC.

3. After finding a prima facie case against the accused, they were

charge-sheeted for the offences punishable under Sections 279, 283, 304-A and 427 of IPC, to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1-Jatinder Talwar, PW2-Rajiv Kumar, PW3-Lalit Kumar, PW4-Dr. Raj Kumar Badhan, PW5-ASI Madan Lal, PW6-ASI Narinder Mohan, PW6A-ASI Madan Lal, PW7 Gurpreet Singh, PW8-ASI Tarlochan Singh and PW9-Harwinder Singh.

5. Statement of accused under Section 313 Cr.P.C. were recorded, wherein all the incriminating evidence against them was put to them to which they denied being incorrect.

6. Aggrieved of the said decisions of the Courts below, the petitioner has approached this Court by way of present Revision Petition.

7. Learned counsel for the petitioner contended that learned Appellate Court has wrongly held that PW3 Lalit Kumar, did not identify the accused persons and was declared hostile at the instance of the learned Additional Public Prosecutor and was cross-examined by him. PW3 Lalit Kumar had been declared a hostile witness. Trial Court also erroneously held that from testimony of PW3 Lalit Kuamr, it stands established that he had not witnessed the alleged accident and did not appreciate that he denied the suggestion that no alleged accident had occurred. He pointed out to the testimony of PW3, wherein he stated that “it is wrong to suggest that no alleged accident has been occurred. I have not seen the alleged accident on 05.04.2015. ~~It is wrong to suggest that~~ both these accused have been falsely implicated in the present case”. He vehemently contended that while recording aforesaid statement, scribe inadvertently failed to connect the

sentences by using word “And” also made cutting wrongly later on upon aforesaid words “It is wrong to suggest that” without any instruction of witness PW3. He urged that PW5 ASI Mohan Lal, the Investigating Officer and PW6 ASI Madan Lal reached at the spot immediately on receiving the wireless message after the accident and found Lalit Kumar on the spot and recorded his statement Ex.PW3/A. From the prosecution evidence on record, it is clear that both the accused caused death of Rajni Rani by driving the offending vehicles rashly and negligently. Both the Courts below have failed to properly appreciate and interpret the evidence on record and findings recorded by these Courts are based on presumptions and assumptions. He urged that as the impugned judgments suffer from material irregularities and illegalities, so the aforesaid orders are liable to be set aside and accused persons be convicted as per law.

8. I have heard learned counsel for the petitioner and have gone through the relevant record.

9. The criminal law was set into motion in the present case on statement of PW3 Lalit Kumar, who is the complainant in the present case and also the eyewitness to the alleged accident. He was driving the Activa, upon which her deceased sister Rajni Rani was the pillion rider. He has been examined by the prosecution as PW3. Though it has been wrongly recorded by learned Appellate Court that this witness had been declared hostile at the instance of the learned Additional Public Prosecutor and was cross examined by him, but even then, perusal of his statement reveals that though in his examination-in-chief, he deposed as per the prosecution story, but in his cross-examination he did not support the case of the prosecution. Perusal

of his testimony reveals that he categorically stated during his cross-examination that he had not seen the alleged accident on 05.04.2015 and both the accused had been falsely implicated in the present case.

10. I do not find any substance in this contention raised by learned counsel for the petitioner that the scribe (who recorded statement of PW3) inadvertently, failed to connect the sentences by using word “And” and made cutting wrongly later on without any instruction of witness PW3, in order to favour the accused persons. Had it been so, then the matter could not have been brought to the notice of learned trial Court after recording of the statement of PW3 or even at the time of the arguments before the trial Court when testimony of this witness was referred to and was being appreciated.

11. Moreover, statement of PW3 had been recorded before the trial Court which was duly signed by PW3 and the Presiding Officer of the Court.

12. No such contention was raised by the petitioner while addressing arguments before the trial Court as well as before the Appellate Court. So, now it cannot be presumed that the word “And” was omitted for connecting both the sentences and the cutting was wrongly made later on without any such instructions as alleged.

13. Learned trial Court has rightly held that when PW3 Lalit Kumar clearly stated in his cross-examination that he had not seen the alleged accident on 05.04.2015, then it has shattered the entire case of the prosecution. When Lalit Kumar is not the eyewitness to the accident then the guilt of the accused cannot be established through his testimony. No

other eyewitness to the accident in question has been examined. Thus, in the absence of any eyewitness account the accused have not been connected with the offence in the present case. From testimony of other prosecution witnesses the identity and rash and negligent driving of the accused is not proved. No such evidence has been brought on record that at the time of happening of the alleged accident the accused persons were driving the offending buses in question. The buses allegedly involved in the accident were never got identified from PW3 Lalit Kumar. As case property was never produced in the Court for getting it identified from PW3, as such the major link is missing in the prosecution evidence. As such, both the Courts below have rightly reached at the conclusion that the evidence on record was not sufficient for proving guilt of the accused beyond the shadow of reasonable doubt.

14. It is a settled position that an order of acquittal is not to be interfered with lightly because presumption of innocence of the accused is further strengthened by acquittal. Interference is called for only under compelling circumstances, where impugned findings are perverse, unreasonable and convincing material on record is ignored unjustifiably by the trial Court. Reference in this regard can be made to judgment of Hon'ble the Supreme Court in 'Mahamadkhan Nathekan vs. State of Gujarat' **2014 (14) SCC 589.**

15. Keeping in view the above, there being no illegality or infirmity in the impugned judgments no interference therewith is called for while exercising the revisional jurisdiction by this Court. The present revision petition being bereft of any merits stands dismissed.

16. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

01.05.2026.

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No