

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

Crl. Appeal S-502-SBA of 2004
Date of Decision : February 18, 2015

State of Punjab

.....Appellant

VERSUS

Jarnail Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. R.S.Randhawa, Addl. A.G., Punjab.

Mr. H.S.Dhandi, Advocate
for the respondents.

T.P.S. MANN, J.(Oral)

The respondents were tried for committing the offences punishable under Sections 323/324/325/326/34 IPC on the allegations that on 11.8.1996 at about 8.30 p.m., they caused injuries to PW2 Mihan Singh, PW3 Kulwinder Kaur, PW5 Harmesh Singh and PW6 Balbiro. Vide judgment and order dated 14.2.2001, the Additional Chief Judicial Magistrate, Patiala convicted and sentenced them as follows:-

Jarnail Singh

Under Section 325 IPC	Rigorous imprisonment for 1½ years and fine of Rs.500/- and in default of payment of fine, S.I. for one month;
Under Section 324 IPC	R.I. for one year;
Under Section 324/34 IPC	R.I. for one year;
Under Section 323/34 IPC	R.I. for six months;

Darshan Singh

Under Section 324 IPC	R.I. for one year;
Under Section 323 IPC	R.I. for six months;
Under Section 325/34 IPC	Rigorous imprisonment for 1½ years and fine of Rs.500/- and in default of payment of fine, S.I. for one month;
Under Section 323/34 IPC	R.I. for six months;

Bikram Singh

Under Section 323 IPC	R.I. for six months;
Under Section 325/34 IPC	R.I. for 1½ years and fine of Rs.500/- and in default of payment of fine, S.I. for one month;
Under Section 324/34 IPC	R.I. for one year; and
Under Section 323/34 IPC	R.I. for six months.

All the sentences were ordered to run concurrently.

Aggrieved of their conviction and sentences, the respondents filed an appeal which was accepted by the Additional Sessions Judge, Patiala on 15.5.2003 and all the respondents were acquitted of the charges against them. Hence, the present

appeal by the State for challenging the acquittal of the accused/respondents.

After hearing learned counsel for the parties and going through the impugned judgment passed by the lower appellate Court, this Court finds that though PW2 Mihan Singh, PW3 Kulwinder Kaur, PW5 Harmesh Singh and PW6 Balbiro had received injuries in the occurrence which had taken place on 11.8.1996 at about 8.30 p.m. yet when they stepped in the witness box before the trial Court, they did not support the prosecution case. Rather, all of them specifically stated that the accused/respondents had not caused injuries to them. Merely because the injuries were found on the complainant and his three companions is no ground to hold that it were the accused/respondents, who had caused those injuries. Under these circumstances, no case is made out for any interference in the impugned judgment of acquittal passed by the lower appellate Court.

The appeal is without any merit and, therefore, dismissed.

February 18, 2015
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(T.P.S. MANN)
JUDGE