

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

**Criminal Appeal D-1120-DB of 2015
Date of Decision: December 22, 2015**

Balkar Singh @ Rinku	Versus	Appellant
State of Punjab and another		 Respondents

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

Present : Mr. Vikas Bishnoi, Advocate for
Mr. Sumit Jain, Advocate
for the appellant.

T.P.S.MANN, J.

The appellant, who had received the injuries in the occurrence in question and, thus, a victim as defined under Section 2(wa) of the Code of Criminal Procedure has filed the present appeal for challenging the judgment dated 14.11.2011 passed by learned Sessions Judge, Patiala, to the extent of acquitting respondent No.2-Randhir Singh @ Dheera of the charge under Section 307 IPC.

Briefly put the prosecution case is that on 10.6.2010 at about 9.45 p.m., the appellant was driving his car while his father was sitting by his side. They were returning to their village. However, they were way-laid by accused-Buta Singh who came in a car. At that time, accused-Buta Singh was armed with a Kirpan. He was followed by Randhir Singh @ Dheera and Satnam Singh, who were armed with iron rods. Accused-Buta Singh

dragged the appellant from the car and told him that he was making false allegations against him for keeping Palwinder Kaur @ Pinki. The appellant told him that Palwinder Kaur @ Pinki was staying with Buta Singh. Accused-Buta Singh proclaimed that the appellant would not go scot-free. He gave a Kirpan blow on the head of the complainant with an intention to kill him but the appellant raised his hands and the blow landed on his hands. Randhir Singh @ Dheera gave iron rod blows on various parts of the body of the appellant.

During the trial of the case, accused-Buta Singh died. Only accused-Randhir Singh @ Dheera was tried for the offences punishable under Sections 307/326/325/341/34 IPC. The trial Court convicted and sentenced him for committing offences under Sections 326/34 IPC and Sections 325/34 IPC. However, he was acquitted of the charge under Section 307 IPC.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that though the appellant was sought to be attacked by accused-Buta Singh with a Kirpan on his head but the appellant raised his hands to ward off the same. In the process, he received an injury on palmar and dorsal aspect of his left hand in between thumb and index finger. Further, the injuries received by the appellant which were declared grievous were on his non vital parts. Further,

none of the injuries found on the person of the appellant was declared to be dangerous to life or sufficient to cause death in ordinary course of nature. Under these circumstances, no fault can be found in the approach of the trial Court in acquitting accused-Randhir Singh @ Dheera of the charge under Section 307 IPC.

Resultantly, the appeal is without any merit and, accordingly dismissed.

**(T.P.S. MANN)
JUDGE**

December 22, 2015
amit rana

**(GURMIT RAM)
JUDGE**