

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-567-DB of 2015

Date of Decision : July 21, 2015

Paramjit Singh

.....Appellant

VERSUS

State of Punjab and another

.....Respondents

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

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. C.M. Munjal, Advocate.

T.P.S. MANN, J.

Appellant Paramjit Singh, who is son of deceased Veer Singh, and also an injured himself 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 30.1.2015 passed by the Additional Sessions Judge, Ferozepur to the extent of acquitting respondent No.2- Bakhshish Singh.

Bakshish Singh and his co-accused Prabhdoyal Singh and Mukhtiar Singh were tried for committing offences punishable under Sections 302/307/323/34 IPC and 25/27 of the Arms Act on the allegations that on 18.11.2010, they had caused injuries to Veer Singh, since deceased and Paramjit Singh and during the occurrence, they were armed with and used fire arms.

Vide impugned judgment, the trial Court held

Mukhtiar Singh and Prabhdoyal Singh guilty of the

aforementioned offences whereas respondent No.2-Bakhshish Singh was exonerated.

Having heard learned counsel for the appellant and on going through the impugned judgment to the extent of acquitting respondent No.2-Bakhshish Singh of the charges against him, this Court find that though Bakhshish Singh was alleged to have fired towards complainant Paramjit Singh and his father Veer Singh yet none was hit as a result thereof. The fire arm in question was also not recovered from Bakhshish Singh during the course of the investigation. Both these factors probabalise the fact of Bakhshish Singh not being present at the time of the occurrence.

The findings arrived at by the trial Court while acquitting respondent Bakhshish Singh of the charges against him cannot be said to be perverse. Therefore, even if any other conclusion can be arrived at from the prosecution evidence, that by itself is not sufficient to interfere in the acquittal of Bakhshish Singh.

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

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

July 21, 2015
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