

**346-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No. 276 of 2007
Decided on 09.12.2015**

Narinder Kumar

.....Petitioner

Versus

Raghubir Singh and others

.....Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Madan Pal, Advocate,
for the petitioner.

Mr. Yashpal, Advocate,
for the respondents.

JITENDRA CHAUHAN.J.

This revision is directed against the judgment dated 26.05.2006, passed by the Trial Court vide which the respondents were acquitted in case FIR No. 31 dated 14.03.2004, under Sections 323, 325, 452 and 506 read with Section 34 IPC registered at Police Station Madhuban, District Karnal.

The brief facts of the case as noticed in the judgment passed by the trial Court are as under :-

“Briefly put the prosecution case is that the complainant Narinder Kumar lodged a complaint with the police on 14.03.2004 on the allegations that they are five brothers. He is posted as JBT Teacher in village Alipura, District Yamuna Nagar. 13.03.2004 was a public holiday. Hence, he had come to his

village Bastara. At about 9/9.15 p.m., he along with his family was watching T.V. in his house. His elder brother Surinder Singh is also a JBT Teacher and he was standing on the gate of outside room of the house. Accused Balwan, Mahabir, Bhira and Fauka armed with dandas and lathis and also in drunken condition entered into their house. They caught Surinder and thrown him on the ground. On hearing shouts, the complainant Narinder Singh along with his father Jagdish and brother Satish rushed to rescue Surinder Singh. However, accused Bhira caught the complainant and accused Mahabir gave a lathi blow on the left palm of the complainant. All the other accused also inflicted injuries with lathis and dandas to the complainant

In the meantime, accused Balwan, Labh Singh and Sahab Singh armed with lathis and dandas also came there. However, the cousin of complainant also rushed on the spot on hearing shouts and intervened and rescued the complainant and his family members. Several respectables of the village also intervened.

Both the injured Narinder and Surinder were medico-legally examined in Civil Hospital, Karnal. In

radiological examination, fracture of 5th metacarpal of left hand of Narinder was also found.

The incident led to the registration of two cases i.e. the present case and a cross case which is being disposed of vide CRR No. 1886 of 2006.

The learned trial Court after holding trial, acquitted the accused by observing that the statement of PW-2, Surinder Singh was vague and evasive in nature. As per the statement of PW-1, Narinder Singh, the accused Balwan, Mahabir, Bhira and Fauka armed with lathis came to his house and they were followed by other accused namely, Balwan, Labh Singh and Sahab Singh who were also armed with lathis and dandas. They entered into his house and inflicted injuries upon the complainant party. However, PW-2 had not stated about coming of Narinder on the spot with Satish but in the next breath he stated about giving of injuries to Narinder. Moreover, in the complaint Ex. P1 as well as in the statement of PW-1, it is mentioned that Surinder was present inside the room when the incident took place but when Surinder appeared in the witness box as PW-2, he stated that he was present in front of the room of his house. The statement of PW-2 also lacks specificity qua role of each accused in giving injuries to the complainant party.

Feeling dissatisfied, the complainant filed this revision against the judgment of acquittal.

I have heard the learned counsels for the parties and gone through the file.

It has come in the statement of PW-2, Surinder Singh that he received three injuries and his brothers and father came to the room after he had received injuries. The MLR. Ex. PW-3 proved by PW-4, Dr. G.L. Dhall shows that two injuries sustained by PW-2 were abrasions and the third was complaint of pain. If all the accused, as alleged by PW-2, had given several blows of lathis and dandas, the number of injuries would not have been restricted to three only. This fact belies the statement of PW-2. Further, PW-2 stated that the police had not met him in connection with the investigation of this case rather the police had arrested him in the cross-case.

Moreover, PW-4, Dr. G.L. Dhall stated that the possibility of all the injuries found on the person of PW-1 and PW-2, being self-suffered or by friendly hand, cannot be ruled out. PW-6, ASI Satbir Singh who was the Investigating Officer of this case, deposed that he had not recorded the statement of any person of the village. In the site plans prepared in this case and in the cross-case, the places of occurrence have been shown to be different. The over all effect of all these circumstances is that the prosecution has not been able to prove its case against the accused beyond a reasonable shadow of doubt.

In view of the observations made above, this Court does not find any illegality or irregularity in the well reasoned judgment passed by the trial Court. There is no perversity calling for

interference by this Court in exercise of its revisional jurisdiction.

Consequently, the revision petition is dismissed.

09.12.2015
SN

(JITENDRA CHAUHAN)
JUDGE