

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRR No. 2610 of 2013
Date of Decision: 22.01.2015

Jeet @ Jeeta Singh and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sandeep Kumar, Advocate,
for the petitioners.

KULDIP SINGH, J. (ORAL)

Challenged in the present revision petition is the judgement dated 10.05.2012, passed by learned Sub Divisional Judicial Magistrate, Dabwali (for short 'trial Court') vide which the accused-respondents No. 2 to 5 were acquitted under Section 323 and 325 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

The appeal against the said acquittal was filed by the complainants, Jeet Singh and Ajaib Singh before the Court of Additional Sessions Judge, Sirsa was also dismissed on 12.02.2013.

The examination of judgement of both the Courts below says that the allegations are that Ajaib Singh and Jeet @ Jeeta Singh were going on the tractor on 06.06.2007 and tractor of the accused struck them. The accused are stated to have been given various injuries with *ghaup (sharp edged weapon)* on left *palm*, right *elbow*, *right knee* and *fist* blows on the person of Jeet Singh. In the meantime, one Bhura Singh, son of Gajan

Singh, who was passing nearby the filed, heard the noise and came to the spot. On seeing him, all the accused fled away from the spot with their respective weapons.

The judgement of the trial Court shows that in this case, Investigation Officer was not examined. The complainant has stated that both the tractors rubbed against each other. It was also admitted that as a result of rubbing, Jeet Singh fell from the tractor, when the tractor was still moving. The trial Court found that injuries were simple in nature and possibility of these being result of fall or rubbing with the umbrella i.e. roof of the tractor, cannot be ruled out. There is a history of litigation between the parties. Ajaib Singh has admitted in his cross-examination that he was convicted under the Narcotic Drugs and Psychotropic Substances, Act, 1985, and had to undergo seven years imprisonment whereas his father stated that he had undergone ten years sentence.

Keeping in view the fact that there was a history of litigation between the parties and the injuries were simple in nature and could be result of either fall from the tractor or rubbing by the umbrella of the tractor, possibility of false implication could not be ruled out.

There is no ground to interfere in the judgment of acquittal passed by the Courts below.

Hence, dismissed.

(KULDIP SINGH)
JUDGE

January 22, 2015
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