

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

**Criminal Revision No.3048 of 2014 (O&M)**

**Date of decision: 20<sup>th</sup> February, 2015**

Darshan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. Gurdinderjit Singh, DAG, Punjab,  
for the respondent(s)-State.

None for respondent Nos.2 and 3.

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**INDERJIT SINGH, J.**

Petitioner has preferred this revision petition against State of Punjab etc.-respondent under Section 401 Cr.P.C. challenging the judgment dated 04.06.2014, passed by the learned Additional Sessions Judge, Bathinda vide which the appeal filed by the petitioner against the judgment of acquittal dated 13.08.2013, passed by the learned Judicial Magistrate Ist Class, Talwandi Sabo, has been dismissed.

It is stated in the grounds of revision petition that the Additional Sessions Judge, Bathinda has erred in law in dismissing the appeal of the appellant-complainant (hereinreferred as 'the complainant') on legally untenable grounds. The learned Courts below have totally misread and misinterpreted the evidence on

record which has resulted in failure of justice to the complainant. It is further stated that the learned Courts below have not taken into consideration the facts that the injuries have been proved on record by the doctor; the complainant has given description of the injuries and further the Investigating Officer has proved the investigation.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent Nos.2 and 3 appeared and contested this revision petition. However, today none has appeared on behalf of respondent Nos.2 and 3.

As per record, the challan has been presented against Didar Singh and Krishan Singh alias Gural Singh respondent Nos.2 and 3-accused (hereinreferred as 'the accused') in case FIR No.49 dated 06.12.2010, registered at Police Station Kot Fatta, under Sections 341, 323, 34 IPC.

Brief facts of the case are that a telephonic message was received from DCR, Bathinda that Darshan Singh and Didar Singh were admitted in Civil Hospital, Bathinda due to injuries. On receiving information, ASI, after obtaining ruqa from DCR, went to Civil Hospital, Bathinda and obtained the opinion of doctor to record their statements. The doctor declared the injured unfit to make statement. Darshan Singh got recorded his statement on 06.12.2010 to the effect that on 05.12.2010, at about 1:00 p.m., he alongwith his brother Gurchet Singh was going towards their fields. Complainant Darshan Singh further stated that his cousin Didar Singh armed with

'dang', Malkiat Singh armed with 'gandasi', Narottam Singh armed with axe ('kulhari') and Krishan Singh, who was empty handed, came and Krishan Singh raised alarm (lalkara) that they should be taught a lesson for filing civil suit against them. Didar Singh attacked with his 'dang' on the right knee of complainant. Didar Singh also attacked with 'gandasa' on the left side of his stomach. Then the complainant fell down and Malkiat Singh attacked with blunt side of 'gandasi' on his back and Narottam Singh attacked with axe on his back. After that Didar Singh attacked with 'dang' at the back side of the head of complainant. Then the complainant and his brother raised alarm and all the accused fled away. After necessary investigation, challan against the accused was presented before the Court.

After presentation of challan and framing of charge(s), the prosecution examined **PW1** Darshan Singh, **PW2** Gurchet Singh, **PW3** Dr. H.S.Hayer and **PW4** ASI Darshan Singh. Then the evidence of prosecution was closed by Court order.

At the close of prosecution evidence, the accused was examined under Section 313 Cr.P.C. In defence, he examined DW1 Harnek Singh.

The learned trial Court, after discussing the evidence, acquitted the accused vide judgment dated 13.08.2013. Feeling aggrieved against the said judgment, the complainant filed appeal. The learned Appellate Court, after discussing the merits of the case and also law on points, dismissed the appeal vide judgment dated

04.06.2014.

Against the aforesaid both judgments, the petitioner has preferred the instant revision petition.

I have heard learned counsel for the petitioner as well as, learned State counsel and have gone through the record.

It is settled law that in the revision petition, the Court is not to reappreciate the evidence like the Court of appeal. The Court is only to see whether the judgments passed by the learned Courts below are illegal, perverse or some material evidence has been misread or has not been considered by the Courts below. Learned counsel for the petitioner has not pointed out as to what material evidence has not been read or has been misread by the learned Courts below. Nothing has been pointed out as to how both the judgments are perverse or against law. Perusal of the record shows that Gurchet Singh (PW2) who has been examined as PW2, in his statement has stated that when he reached the spot the accused already fled away which creates a reasonable doubt in the prosecution version and contrary to the prosecution version. Then there remains the statement of PW1 Darshan Singh only, who has stated that Narottam Singh caused blow with axe on his back but there is no sharp edged injury on the person of Darshan Singh. All the injuries are stated to be with blunt weapon. The injuries on the person of Darshan Singh are mainly reddish contusion including one complain of pain on the left side of the chest. The oral statement of

complainant is not supported by medical evidence. The complainant has also stated that Didar Singh has also caused 'gandasi' blow but he was stated to be armed with 'dang'. There is nothing on record as to how gandasi came to him and there is no sharp edged injury. All the injuries suffered by Darshan Singh are simple in nature. The learned Courts below, after discussing the evidence on record, found that reasonable doubt exists in the prosecution version. Otherwise also, as per report No.23 dated 06.12.2010, the Court held that Darshan Singh complainant had caused injuries upon the person of Didar Singh which have not been explained. Again, the version that on 05.12.2010, doctor declared the injured as unfit to make statement is also not supported by cogent reasons. No medicine which causes sedation has been given to the injured then why his statement was not recorded on 05.12.2010. Therefore, the delay in registering the FIR also creates reasonable doubt in the prosecution version.

From the aforesaid discussion, I find that the judgments passed by the learned Courts below are correct and as per law and do not require any interference by this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

**20<sup>th</sup> February, 2015**  
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**(INDERJIT SINGH)**  
**JUDGE**