

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

**CRM No.3401 of 2014 in/and  
CRR No.355 of 2014 (O&M)**  
Date of decision: 30.03.2015

**Prem Singh**

**-----Petitioner (s)**

V/s

**State of Punjab & others**

**-----Respondent(s)**

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Mohit Garg, Advocate  
for the petitioner(s).

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**HARI PAL VERMA, J. (Oral)**

The petitioner has filed the present revision petition against order dated 20.4.2013 passed by learned Additional Sessions Judge, Sangrur, affirming the judgment dated 21.3.2012 passed by Judicial Magistrate 1st Class, Malerkotla, whereby the respondents No.2 to 3 have been acquitted of the charges under Section 341, 323, 325, 34 IPC in FIR No.42 dated 9.6.2007 registered at Police Station Amargarh.

Briefly stated, FIR No.42 dated 9.6.2007 under Section 341, 323, 325, 34 IPC was registered against the accused-respondents at the instance of petitioner Prem Singh (injured) son of Balwant Singh, resident of Village Badeshe, Distt.

Sangrur registered at Police Station Amargarh. As per the prosecution story, on receipt of telephonic message, HC Pradeep Singh along with other police officials visited PHC Amargarh for recording the statement of the injured. However, the concerned doctor declared the injured unfit for making the statement. Thereafter, ASI Pritpal Singh along with other police officials was sent to PHC Amargarh and on declaration of the injured to be fit to make statement by the concerned doctor, statement of injured-complainant Prem Singh was recorded. As per the statement so recorded, the complainant Prem Singh stated that on 8.6.2007 at about 11-30 AM, when he was going on his motorcycle towards his fields and reached on the road where the motor of Shamsheer Singh is installed, the accused Shamsheer Singh armed with Salang [instrument used in the work of settling trumpet (*tureeh*)] and his sons Ranjodh Singh @ Sikkander Singh having knife and his younger son Abhijeet Singh having *danda*, suddenly came out from the motor and encircled the complainant. Shamsheer Singh raised *lalkara* that the complainant (Prem Singh) has met alone and he should not be spared and attacked him with a *slang* which hit him in the back. In the meantime, accused Abheyjit Singh attacked with *danda* on his chest and stomach, whereas accused Ranjodh Singh @ Sikander Singh gave blow of handle of knife on his lips. The complainant raised *raula* '*marta marta*'. On hearing his voice, the son of the complainant namely Mahinder Singh who was working in the nearby fields and Didar Singh who was

grazing buffaloes, came there and rescued him from the accused. Had he not been rescued by the aforesaid persons, the accused would have given more injuries.

The accused were arrested on 6.7.2007 and after investigation, they were released on bail. Challan was presented and copy supplied to the accused as provided under Section 207 CrPC. Charges were framed against the accused-respondents, for which, they did not plead guilty and claimed trial.

The prosecution has examined as many as six witnesses including PW-1 Maninder Singh, PW2 Prem Singh, complainant, PW-3 Prabhjot Singh, PW-4 Dr. Sheetal Jain, PW-5 ASI Pritpal Singh and PW-6 Dr. Arun Nagar and thereafter, prosecution evidence was closed.

Learned trial Court vide judgment dated 21.3.2012 acquitted the respondents/accused of the charges by giving them the benefit of doubt. It was observed that PW-1 Maninder Singh, though he is son of the complainant, but he even did not take his father to the hospital and preferred to stay at home in order to give feed to the cattle, whereas one Prabhjot Singh has taken him to the hospital, which version is not believable. Similarly, PW-1 Maninder Singh stated that the clothes of the complainant were blood-stained, but no such blood-stained clothes were produced during investigation. More interestingly, this witness has not shared the alleged incident even with his mother and brother, which is highly unbelievable. Moreover, PW-2 Prem Singh,

complainant, stated that his son did not know about the incident and came to know afterwards, whereas PW-1 Maninder Singh has stated that he was present at the spot. Thus, there is total contradiction in the version of the prosecution witnesses.

The complainant has preferred an appeal against the judgment of acquittal dated 21.3.2012 before Additional Sessions Judge, Sangrur and the learned Appellate Court dismissed the appeal vide judgment 20.4.2013 observing as under:-

*“After hearing the rival contentions, it has come on the record that PW-1 has categorically stated that the statement Mark A1 is false. He has further admitted that he does not know the date of the incident and further the fact that whether Shamsher Singh accused was present in the house of Davinder Singh. Prosecution witness Didar Singh has been examined as DW-2 who had stated that on 8.6.2007 there was Akhand Path in the house of accused Shamsher Singh and accused Shamsher Singh was present in his house. Further there are discrepancies in the statements of PW-1 and PW-2. PW-2 has deposed in his cross-examination that his teeth was broken on 09.06.2007 i.e. day next to the date of alleged occurrence. Further more there are discrepancies in the statements of PW-4 and PW-6. DW-2 Didar Singh has totally contradicted the version given by the complainant and has further stated that no injury was caused to the complainant in his presence. In view of the above said facts, this Court is of the view that the learned trial Court has rightly acquitted the accused/respondents. No ground for interference is made out. Accordingly, the appeal being devoid of*

*merits is hereby dismissed. Trial Court file be returned. Appeal file be consigned to the record room.*

*Pronounced in open Court  
April 20, 2013*

*Sd/-  
(Bal Bahadur Singh Teji  
Additional Sessions Judge,  
Sangrur “*

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner has not been able to point out any infirmity in the judgments of the Courts warranting any interference by this Court in the revisionary jurisdiction. Both the Courts below, after appreciating the evidence on record, have found that there are apparent contradictions in the statements of PW-1 Maninder Singh and PW-2 Prem Singh, complainant. On the one hand, PW-1 Maninder Singh has stated that he was present at the time of incident whereas the said fact has been disputed by PW-2 Prem Singh, complainant. Moreover, the revisionary jurisdiction of this Court in this case is very limited. Interference in the concurrent findings of fact recorded by both the Courts below, especially when there is inherent contradiction in the statements of two material witnesses i.e. PW-2 Prem Singh, the complainant himself and his son PW-1 Maninder Singh is not warranted. Reference may be made to a judgment of Hon'ble Apex Court in a celebrated judgment of **Ghurey Lal v. State of U.P.** 2008(10) SCC 450.

Therefore, no fault can be found in the impugned judgments passed by both the Courts below.

Accordingly, the present revision petition is dismissed.

Since the revision petition has been dismissed on merits, no further order is required to be passed in the application under section 5 of the Limitation Act for condonation of delay of 159 days in filing the criminal revision.

**March 30, 2015**  
**ak**

**( HARI PAL VERMA )**  
**JUDGE**