

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. A-107-MA of 2016

Date of Decision : April 06, 2016

Ranjit Singh

.....Applicant

VERSUS

State of Punjab and others

.....Respondents

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

Present : Mr. B.S. Sewak, Advocate
for the applicant.

T.P.S. MANN, J.

The applicant, who had received injuries in the occurrence in question and, thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, has filed the present application for leave to appeal against the judgment dated 19.10.2015 passed by learned Additional Sessions Judge, S.A.S. Nagar, Mohali to the extent of acquitting respondents No. 2 to 5 of the charges under Sections 307, 341, 323, 148, 149, 426 and 506 IPC.

It may not be out of place to mention here that while acquitting respondents No. 2 to 5 of the charges against them, the trial Court convicted and sentenced their co-accused, namely, Davinder Singh, Amrinder Singh and Parvinder Singh under Sections 323, 341 and 307/34 IPC and sentenced them to undergo imprisonment for five years,

besides requiring them to pay an amount of Rs.5,500/- each as fine. Against their conviction and sentences, said three convicts have filed Criminal Appeal No.S-4804-SB of 2015, which stood admitted.

Having heard learned counsel for the applicant and on going through the impugned judgment as well as the record of the trial Court, this Court finds that PW1 Ranjit Singh, at whose instance the FIR was initially registered, deposed before the trial Court that when the complainant party had reached the gate of Civil Hospital, Mohali, then from the car driven by accused Davinder Singh, accused Amrinder Singh, Parvinder Singh and two unidentified persons alighted. On the other hand, PW2 Gurvinder Singh stated that alongwith accused Davinder Singh, Amrinder Singh and Parvinder Singh, accused Gurmukh Singh, Jasmininder Kaur, Gurjant Singh and one unknown person encircled them. Similarly, PW3 Gurnam Singh testified that in the car driven by Davinder Singh, accused Amrinder Singh, Parvinder Singh and 2/3 unidentified persons were there. Therefore, the three injured witnesses, namely, PW1 Ranjit Singh, PW2 Gurvinder Singh and PW3 Gurnam Singh were at variance as to the number of persons in the car, whether they were four, five or six. Furthermore, PW1 Ranjit Singh testified that in his supplementary statement Ex.PW1/B, he had disclosed the name of accused Jarnail Singh as one of the unidentified persons. The explanation of PW1 Ranjit Singh that he could not name Jarnail Singh as he had become unconscious at the spot is in conflict with his MLR Ex. PW7/A, wherein it was mentioned that his vitals were stable and he was conscious.

In view of the above material, which is already on the record, no fault can be found with the impugned judgment passed by the trial Court to the extent of acquitting respondents No. 2 to 5 of the charges against them.

The application is without any merit and, accordingly, dismissed. Leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

**(RAMENDRA JAIN)
JUDGE**

April 06, 2016
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