

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-10166 of 2013 (O&M)
Date of Decision: February 04, 2016

Jasvir Singh

...Petitioners

VERSUS

Swaran Singh @ Jaggu Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Kumar Singla, Advocate
for the petitioner.

Mr.B.S.Baath, Advocate
for the respondents.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 01.02.2011 and judgment dated
08.01.2013 passed by learned Chief Judicial Magistrate, Fatehgarh
Sahib and learned Sessions Judge, Fatehgarh Sahib, respectively.

Notice of motion was issued and learned counsel for the
respondents appeared and contested the petition.

I have heard learned counsel for the parties and have
gone through the record.

From the record, I find that Jasvir Singh complainant filed
a complaint against Swaran Singh @ Jaggu Singh and six other
accused under Sections 324, 341, 148 and 149 IPC and produced the

evidence for the purpose of framing the charge. Learned JMJC, Fatehgarh Sahib, vide impugned order dated 01.02.2011, discharged the accused. A revision was filed by the complainant-present petitioner before learned Sessions Judge, Fatehgarh Sahib, which was dismissed vide impugned judgment dated 08.01.2013. Aggrieved from the above-said order and judgment, present petition has been filed.

In the complaint, date of occurrence has been mentioned as 21.09.2003 instead of 24.09.2003 and this date has not been got corrected by getting the amendment of the complaint being a clerical mistake nor this fact has been explained in the evidence that in the complaint, the date has been inadvertently mentioned. So, both the Courts below held that as per version given in the complaint or as stated in the evidence are contradictory. In the evidence, the complainant stated the date as 24.09.2003 but in the complaint, it is stated that occurrence took place on 21.09.2003. So, this version of the complainant is discrepant.

Secondly, as per the MLR, the injured was examined on 24.09.2003 and the injuries were stated to be caused with sharp edged weapon but no doctor has been examined to prove that injury on the person of the complainant was caused with sharp edged weapon. The MLR can only be got proved by producing the doctor, who medico legally examined the injured and has prepared the MLR. The doctor has not been examined. The next point is that, as per the complainant version, firstly Bachittar Singh, uncle of the complainant

was given beating by the accused and when the complainant intervened, then the injury was given by accused No.1 Swaran Singh @ Jaggu Singh with sword on the right arm of the complainant and the other injury was given by accused No.7 Jasvir Singh @ Jassi with small size sword (kirch). Even as per the MLR, there is only one injury on the person of the complainant, which is a sharp edged injury. Second injury is not even found in the MLR, which as already discussed, has not been proved by examining the doctor. Therefore, the version of the complainant regarding second injury is not supported and corroborated by the medical evidence. Further, the case of the complainant is that Bachittar Singh was given beating by these seven accused but while appearing as witness, Bachittar Singh has not stated in the evidence that he was given any beating or injury nor he was medico legally examined. Otherwise also, if seven accused came there to give beatings to Bachittar, they will not cause only one injury to Jasvir Singh complainant. The whole version of the complainant becomes doubtful that seven persons came to cause injuries to Bachittar but they have not caused any injury to him. If they have not caused any injury to Bachittar Singh, then question of intervening of Jasvir Singh complainant to rescue Bachittar Singh also does not arise and it also look improbable that seven persons came to cause injuries to Bachittar Singh and then instead of causing any injury to Bachittar Singh, would cause injury to intervener Jasvir Singh.

Moreover, it looks improbable that seven persons would

come having swords, kirch etc. to cause injuries to a person and the will only cause one simple injury and that too, to some other person, who intervened. They might have caused more injuries and serious one. Furthermore, the version given by the complainant in the FIR regarding same occurrence, has already been found false after the investigation by the police.

In view of the above discussions, I find that order and judgment passed by the Courts below are correct, as per law and do not require any interference. In no way, it can be held that order and judgment passed by the Courts below are illegal and amount to miscarriage of justice.

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

February 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE