

**CRM-M-31357-2015**

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

**CRM-M-31357-2015**

**Date of Decision: 19.05.2016**

**KULWINDER SINGH @ SONU AND ANOTHER**

**.....Petitioners**

**Vs.**

**BAKSHISH SINGH**

**.....Respondent**

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

Present: Mr. Vivek Singla, Advocate,  
for the petitioners.

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**KULDIP SINGH, J (ORAL)**

Impugned in the present revision is order dated 10.08.2015 passed by learned Additional Sessions Judge, SAS Nagar, Mohali vide which the order dated 23.03.2015 passed by the learned Judicial Magistrate Ist Class, Kharar, discharging the present petitioners for the offences under Sections 323, 379, 506 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') in a complaint case titled as *Bakshish Singh Vs. Kulwinder Singh @ Soni and another* was set aside and the case was remanded back to the Court of the learned Judicial Magistrate Ist Class, Kharar with the direction to reconsider the evidence on record and proceed with the matter accordingly.

I have heard the counsel for the petitioners.

Suffice to say that according to the version of the complainant he was attacked by the accused on 10.10.2008

wherein he received injuries. The doctor was examined to prove the injuries. The plea of the learned counsel for the petitioners is that the learned Additional Sessions Judge, S.A.S. Nagar, Mohali did not consider the grounds on which the petitioners were discharged. In this case, the learned Magistrate has recorded that Jaswant Singh-eye witness was not examined. The son of the complainant did not say that he was given injuries. However, in the Court the complainant deposed that his son and Jaswant Singh were also given fist blows by the accused. Further, the Learned Judicial Magistrate, Ist Class, Kharar had observed that according to the complainant, his son was not present when ₹10,000/- were snatched by the accused. Whereas his version is that his son and Jaswant Singh were present at the time of alleged incident and were also given fist blows by the accused. Further, the pent and shirt of the complainant on which the blood stains were present were also not produced in the Court. The learned Magistrate is also of the opinion that according to the doctor, the injuries could be the result of road side accident.

I am of the view that the nature of injuries show that these are unlikely to be self suffered injuries. Injury No. 1 is on the left eye-brow with blood oozing; Injury No. 2 is complain of bleeding from the nostrils with tenderness present; Injury No. 4 is on the Scapular region with the complain of pain, increase of

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pain on respiration. The tenderness was also present and contusion was also found. Therefore, the overall look at the injuries show that the mere suggestion to the doctor that these can be caused in road side accident cannot be believed. In case of road side accident, injuries are likely to be on the hands, elbow and knee joints. Further one or the other discrepancy itself is not sufficient to throw out the case of the complainant.

In these circumstances, I am of the view that the learned Additional Sessions Judge, SAS Nagar, Mohali has rightly observed that the matter needs to be re-examined by the learned Magistrate and that the order of discharge is not sustainable in the eyes of law.

It being so, no ground is made out for interference in the impugned order, under challenge and therefore, the present revision stands dismissed.

**May 19, 2016**

Suresh Kumar

**[ KULDIP SINGH ]  
JUDGE**