

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.226

CRR No. 363 of 2012

Date of decision : 24.09.2016

Ram Kumar and other

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Dahiya Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

AJAY TEWARI, J (Oral)

This petition has been filed against the concurrent conviction of the petitioners under Sections 148, 323, 325 read with Section 149 IPC.

As per the allegations it was the victim's turn for water when the accused tried to usurp his turn; got into argument and inflicted injuries on the victim and when the brother of the victim tried to rescue him, he was also given injuries.

Learned counsel has argued that it is a clear case where the accused must be acquitted because testimony of the injured witness about the site of the injury does not correspond with the medical opinion and

moreover 7 persons have been involved which only two blows have been proved.

Learned DAG points out that the injuries described in the testimony of the injured witnesses of the victims roughly correspond to the medical evidence because as regards Mahabir he has stated he has been given injury on his back and the medical report shows injury on the ribs and as regards Balwan it has been stated that he has given injury near the ankle and as per the medical record the injury is on the fibula. As regards the argument that unnecessarily many people have been involved. Learned DAG states that as per the version these people have given slaps and punches and in medical record it is not possible to corroborate such injuries.

In my opinion, the argument of learned DAG carry more weight. Resultantly, the petition filed by petitioner No.1 Ram Kumar and petitioner No. 6 Sonu is dismissed while with regard to petitioners Nos. 2 to 5 and 7 even while dismissing the petition their sentence is reduced to that they had already undergone.

September 24, 2016

Anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No