

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

**CRR No.2350 of 2015(O&M)
Date of decision: 29.04.2016**

Pritam Singh

.....**Petitioner**

versus

State of Punjab and others

.....**Respondents**

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Ashok Kumar Khunger, Advocate for the petitioner

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

The present revision is directed against the judgment dated 20.3.2015, passed by the learned Additional Sessions Judge, Fazilka, whereby the appeal filed by the private respondent Nos.2 to 5 was allowed. Accordingly, judgment of conviction and order of sentence dated 1.9.2014, passed by the learned Sub Divisional Judicial Magistrate, Abohar was set aside and the respondent Nos.2 to 5 were acquitted of the charges framed against them under Sections 325, 323, 148, 149 read with Section 34 IPC. It also comes out that before the learned Magistrate, five persons were tried. The learned Magistrate convicted all the said five persons under Sections 323, 325, 148 read with Section 149 IPC and accordingly sentenced them to various terms for imprisonment in addition to fine.

It comes out that it is alleged that the fields of the parties adjoin each other. On the day of the occurrence at about 9.00 PM, the accused Gurcharan Singh @ Gurbachan Singh accompanied by

his son Jagdeep Singh and grand children Inderjit Singh and Swaran Singh @ Pinda accompanied by nephew of Jagdeep Singh accused came in the field of complainant. There the accused Inderjit Singh destroyed about two karams of common boundary of the fields of the complainant. Therefore, Baghel Singh son of the complainant telephonically informed the complainant, namely, Pritam Singh about the incident. Therefore, Pritam Singh accompanied by his brother Kaur Singh reached the spot. There an altercation took place between the parties. Jagdeep Singh is alleged to have given kappa blow from the reverse side on the forehead of the complainant and Swaran Singh gave a Dang blow on the right shoulder of the complainant. The complainant fell down and while he was lying on the ground, he was given injuries by the remaining accused.

I have heard learned counsel for the parties and have also carefully gone through the file.

At the time of arguments, statement of doctor has been produced which shows that only two injuries were found on the person of Pritam Singh. One is lacerated wound 4x.5 cm on the forehead on the left side. This injury is attributed to Jagdeep Singh alleged to have been given from the reverse side of Kappa.

I am of the view that width of the injury does not match with the blow alleged to be inflicted by reverse side of the kappa. If the blow is given with reverse side of Kappa, width of injury, on the forehead which is bony prominent part is likely to be more than .5 cm. Secondly, the injury No.2 is complaint of pain on the right shoulder alleged to be on account of the history of alleged blows. No external mark of injury was found. This injury is alleged to have been given by

a Dang blow by Swaran Singh. If a Dang blow is given on the right arm and there is a fracture, it must leave a mark. Moreover, before the doctor the complainant had stated that injury is due to alleged blows and not the Dang blow. It is to be added here that according to the complainant, when he fell down, the remaining accused had also gave him kick and fist blows. However, no other injury as attributed to remaining accused was found. Therefore, apparently, from its face, the version of the complainant is not supported by the medical evidence.

Consequently, leaving aside the other facts regarding discrepancy, delay and cross-case, I am of the view that there is no illegality or infirmity in the judgment passed by the learned Sessions Judge, Fazilka acquitting the accused and allowing the appeal.

Resultantly, the present revision fails and is dismissed.

29.04.2016
gk

(Kuldip Singh)
Judge