

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

CRR No.3669 of 2016 (O&M)

Date of decision : 16.02.2017

Mandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashit Malik, Advocate and
Mr. Sagar Aggarwal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed for setting aside the judgment dated 20.07.2016, passed by learned Addl. Sessions Judge, Kurukshetra, whereby the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 01.04.2013 and 02.04.2013, respectively, has been dismissed.

The learned counsel for the petitioner state that there is an unexplained delay in lodging the FIR; no independent witness has been

examined; investigating officer has not been examined; petitioner is first offender; and there are material improvements in the statement of prosecution witnesses. The learned counsel cites '**Om Parkash and others VS. State of Haryana**', 2001(10) SCC 477.

On the other hand, the learned State counsel opposes the present petition and submits that there is specific allegation against the petitioner in the alleged scuffle that after entering into the house of complainant-Rakesh Kumar, he gave a rod blow on the right hand of the complainant.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

In the instant case, the complainant is a teacher by profession and also gave tuition at his house. As the complainant stopped the petitioner and his co-accused, Neeraj from teasing the girls who used to come to take tuition at his house, they entered into the house of the complainant armed with a *rod*, and gave fist blows and *rod* blow on his right hand. Due to which, the complainant had suffered four injuries on his person and there was fracture in the lower hand radius, which is duly proved by the x-ray report. Therefore, this Court feels that the findings recorded by the Courts below cannot be said to be perverse or contrary to the material on record. In fact the impugned

judgments were passed after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the present petition is hereby dismissed.

16.02.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No