

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1144 of 2017 (O&M)
Date of Decision: 10.07.2017

SUBASH **...Petitioner**

VS.

STATE OF HARYANA **...Respondent**

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

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

KULDIP SINGH, J. (ORAL)

This is a revision petition against the judgment dated 07.02.2017, passed by the learned Additional Sessions Judge, Sirsa, affirming that of the learned Judicial Magistrate Ist Class, Sirsa dated 08.08.2012, vide which the petitioner has been held guilty for the commission of offences punishable under Section 324 and 326 of Indian Penal Code and was sentenced to undergo following sentence: -

<i>Under Section (s)</i>	<i>Sentence</i>
<i>324 of IPC</i>	<i>To undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine to undergo further simple imprisonment for 15 days.</i>
<i>326 of IPC</i>	<i>To undergo rigorous imprisonment for a period of one year and to pay a fine of ₹1000/- and in default of payment of fine to undergo further simple imprisonment for one month.</i>

Both the sentences were directed to run concurrently.

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

Learned counsel for the petitioner has argued that in this case both of the eye-witnesses had stated that they had not seen the occurrence rather they came after the said occurrence. However, the injured himself has testified and supported his case. There is one grievous injury on the left wrist and one simple injury.

On the examination of the injuries mentioned in the trial court judgment, I find that these injuries cannot be called self inflicted or caused with the friendly hands. The motive for the crime is alleged to be that the accused was teasing the village girls under influence of some intoxication and he was being stopped by the injured-complainant from doing so. The petitioner after giving first injury to the complainant, had chased the complainant and caused the second injury. The complainant has not named any other person in the crime. Moreover, the complainant has otherwise has no enmity with the accused-petitioner to implicate him in a false case.

Learned counsel for the petitioner has further argued that there is an apparent delay in lodging the FIR.

The facts of the case show that when the police reached the hospital, they were informed that the patient (complainant-injured) has been referred to PGIMS, Rohtak. Further, it was found that he has been admitted to one local hospital namely Ganga Ji Hospital, Sirsa. Therefore, on the next date, the police had recorded his statement. Therefore, there is no delay on part of the injured-complainant to make the statement to the police.

After going through the judgments of the both the courts below, I am of the view that these are well reasoned and there is no illegality and infirmity in the findings recorded by the both the Courts below. Moreover,

there is no misleading of any evidence. Hence, the present revision petition stands dismissed.

July 10, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No