

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-1339-2003

Reserved on: 20.11.2018.

Date of decision : 03.12.2018

Hoshiar Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Vinod Ghai, Senior Advocate with
Mr. Simardeep S. Sandhu, Advocate
for the petitioner.

RAJIV SHARMA, J.

This criminal revision is instituted against the judgment dated 07.03.2003 rendered by the learned Sessions Judge, Narnaul, in Sessions case no. 17 of 2000. Respondents no.2 to 6 were charged with and tried for offences punishable under Sections 148, 325, 323 read with Section 149 IPC. Respondents no.2 to 6 were acquitted.

2. The case of the prosecution in a nutshell is that Hoshiar Singh lodged a complaint to the effect that he was an ex-army man. He had three brothers. On 13.01.2000 at about 8.00 P.M. Satpal son of his brother Jagmal was going to shop of one Suresh located ahead of the shop of Siri Ram for fetching bread. Satpal declared that they would buy the bread only from the next shop. Vijay Singh and his father Siri Ram then roughed up Satpal. Satpal narrated this incident to Hoshiar Singh. Hoshiar Singh was coming back from his tubewell at 6.30 or 7.00 A.M. on 14.01.2000. He again lodged

protest with Siri Ram. Siri Ram gave slap to Hoshiar Singh. Hoshiar Singh also slapped Siri Ram. Thereafter according to Hoshiar Singh, the private respondents armed with *kulharis*, *jellis*, *dantali* attacked Hoshiar Singh and his family members. They were medically examined. Cross FIR was also registered by Vijay Singh against Hoshiar Singh etc. Siri Ram died at Pushpanjali Hospital. Hence this appeal.

3. Doctor had not referred Hoshiar Singh for x-ray examination qua injury no.1. Siri Ram was assaulted by Hoshiar Singh. He died in Pushpanjali Hospital. The learned trial Court had doubted the spot pointed by Hoshiar Singh where they were attacked. The injury statement was prepared by Partap Singh Head Constable for Hoshiar Singh vide Ex.PJ. He had not noticed any injury on the left frontal region of Hoshiar Singh. The appellant has not explained the injuries suffered by the private respondents. It is not believable that Satpal would speak in public that he would not buy bread from Siri Ram's shop. In his cross-examination, Hoshiar Singh had admitted that it was he who first slapped Siri Ram. The learned trial Court has correctly appreciated the evidence. Accordingly there is no merit in the revision petition and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

December 03, 2018.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No