

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRR-1451-2018(O&M)

Date of Decision: August 01, 2018

Amit @ Suneheria

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. C.R. Narwal, Advocate for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner challenges judgment dated 07.03.2018 whereby his appeal against the judgment of conviction dated 02.01.2017 and order of sentence dated 04.01.2017 passed by the Court of Principal Magistrate, Juvenile Justice Board, Jind, has been dismissed.

2. FIR No.155, dated 07.03.2015 came to be registered at Police Station city Jind, under sections 148/285/323/341/506 IPC read with section 149 IPC and section 25 of the Arms Act, 1959, on the complaint of Ranbir son of Kor Singh. The allegations were that some anti-social elements including the petitioner came to the house of the complainant and caused injury on the head of his brother and fired upon the complainant and his family members with a revolver. Three members of the family received serious injuries. The anti-social elements also abused the complainant and passed casteist remarks. Names have been mentioned in the complaint and the petitioner is also named as one of the accused.

3. After completion of formalities, the petitioner was tried as a juvenile-

in-conflict with law and was convicted under sections 323, 341, 506, 148, 149 IPC.

The maximum sentence imposed upon him is confinement in remand home for one year under sections 323 read with section 149 IPC.

4. Learned counsel for the petitioner challenges the impugned judgement on the ground that a false case has been foisted upon the petitioner. No independent witness from the locality was associated with the investigation nor was such a witness examined during the trial. The Investigating Officer has not been examined during the trial and evidence of the complainant is contradictory in nature. There is delay of 01 day in lodging the FIR. No recovery was effected from the petitioner and there is no evidence on record regarding identity of the persons who raised *Lalkaara* and used filthy language.

5. The trial Court as well as appellate Court have examined the evidence on record threadbare and have given cogent findings based thereupon. The Courts below have dealt with each and every contention raised by the counsel for the petitioner before me. So far as the delay in lodging of the FIR is concerned, it has been found that the matter was reported to the police on the next day as the injured persons were in the General Hospital for treatment on the day of occurrence. Regarding no independent witnesses having been examined, the Courts below have held that testimony of PW2 to PW4 was sufficient to prove the case against the accused persons and there was no necessity of associating any independent witness especially in view of the fact that injuries on the complainant party have been proved. For the same reason, non-examination of the Investigating Officer is not fatal. Motorcycle as well as pistol have been recovered from the accused persons and the presence of the petitioner at the spot has been established from the testimony of PW2 to PW4. Minor contradictions in the case set up while registering

the FIR and the case ultimately proved is not sufficient to disbelieve the entire story. In fact, I am exercising revisional jurisdiction and the orders of the Courts below can only be interfered with, in case an error of jurisdiction or illegality or impropriety in the orders, is pointed out. As mentioned hereinabove, not even an attempt has been made by learned counsel for the petitioner to point out any illegality or impropriety.

6. For the reasons mentioned above, the petition has no merit and is accordingly dismissed.

August 01, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No