

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

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**CRR-1685-2018 (O&M)
DATE OF DECISION: 10.05.2018**

JINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the judgment and order of sentence dated 18.07.2016 passed by the Sub Divisional Judicial Magistrate, Zira whereby he has been convicted and sentenced to undergo RI for one year under Section 323/34 IPC, further RI for two years and fine of ₹2,000/- under Section 324/34 IPC, in default of fine, RI for one month and further RI for three years and fine of ₹2000/- under Section 326/34 IPC, in default of fine, RI for two months in a case bearing FIR No.83 dated 04.09.2010 registered at Police Station Mallan Wala, District Ferozepur.

2. He had again preferred an appeal thereagainst whereby his sentence had been reduced as under:-

"Under Section	Imprisonment	Fine	In default
U/s 323/34 IPC	RI for Six Months		
U/s 324/34 IPC	RI for one year	₹2000/-	One Month
U/s 326 IPC	RI for two years	₹2000/-	Two Months"

3. As per the prosecution case, the complainant Saraj son of Lal Singh had stated that on 02.09.2010, in the evening, he along with his brother Sonu and sister Soma went to Mallanwala Bazar for purchasing some household articles. After purchasing the articles, they were present at Jaimal Wala Chowk Mallanwala. The complainant went

to a barber shop for hair cut. His sister and brother were waiting for him at some distance. At about 08:00 p.m., Jinder armed with Kappa, Kukku armed with baseball bat and their father Manda armed with wooden stick came to the shop and dragged the complainant out of the shop. They raised lalkara that they will settle old enmity with him. Thereafter, Manda started beating him with wooden stick and caused a blow below his right shoulder and back. One stick blow hit behind his ear and Jinder gave kappa blow which hit him above his eye. He fell down on the ground. Accused Kukku caused blow with baseball bat on his right leg and above the ankle of left leg. He also caused another blow on the nose of the complainant. He along with his sister and his brother raised alarm. Many people had gathered at the spot. All the accused then fled away from the place of occurrence along with their respective weapons. The injured was shifted to Medical College, Faridkot where treatment was given to him. On the basis of the statement of the complainant, a case was registered against the accused persons.

4. Charges were framed for the offences punishable under Sections 326, 324, 323 read with Section 34 of the Indian Penal Code. The prosecution had examined ASI Ramesh Kumar Masih as PW-1, HC Salwinder Singh as PW-2, Dr. Rajiv Joshi as PW-3, Saraj Singh as PW-4, Soma Rani as PW-5, Dr. Yogesh Bansal as PW-6, Amar Singh as PW-7 and Dr. Avtar Singh as PW-8.

5. Learned counsel for the petitioner has contended that the judgments of the courts below are unsustainable as the prosecution case had several infirmities and therefore, the petitioner should have been given the benefit of doubt.

6. Heard.

7. I have perused the judgments of the courts below. The injured witness Saraj Singh had appeared as PW-4. He had reiterated the prosecution version and had clearly stated that he had been caused injury by the petitioner. His statement has been corroborated from the medical evidence of Dr. Rajiv Joshi-PW-3, who examined him on 03.09.2010 and found as many as 12 injuries on his person. Dr. Yogesh Bansal (PW-6), who is Eye Surgeon, had examined the right eye of the injured and submitted his report Ex.PW3/C, wherein it was opined that the patient has no perception of light in the right eye. There was sutured lid laceration in the right eye upper lid involving eye brow. He also opined that there are no chances of visual recovery of the patient and his right eye was totally damaged and visual loss was 100%. After the receipt of the opinion of the Eye Surgeon, injury No.3 was declared as grievous in nature.

8. It is well settled that the testimony of the sole witness especially one, who has suffered serious injury, could by itself be enough to sustain the conviction. I have perused the statement of PW-4 which appears to be truthful and trustworthy. The injury, which was caused to him with a kappa, has resulted in loss of his vision in one eye. The sentence of the petitioner has already been reduced by the lower appellate court.

9. Therefore, I do not find any merit in the petition which stands dismissed.

10.05.2018

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**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No