

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

**CRA-D-1407-DB-2015 (O&M)
Decided on : 25.07.2019**

Brish Bhan

... Appellant(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. A.D.S. Sukhija, Advocate
for the appellant(s).

MANJARI NEHRU KAUL, J.

By means of the present appeal, the son of the deceased-complainant, is impugning the judgment and order dated 16.07.2015, passed by the Ld. Addl. Sessions Judge, Patiala (hereinafter referred to as the 'Ld. Trial Court'), whereby, accused-respondent No.3/Surjit Kaur, was acquitted of all offences under Sections 304, 452, 341, 325, 323, 506, 34 IPC and accused-respondent No.2/Balwinder Singh @ Titu, was convicted under Sections 341, 506, 323, 325 IPC, but acquitted under Sections 304 & 452 IPC.

Heard learned counsel for the appellant and gone through the impugned judgment passed by the Ld. Trial Court.

The Ld. Trial Court while recording the finding of acquittal *qua* accused-respondent No.3 – Surjit Kaur, held that it could not be believed that being an 80 years old lady, she would have been in a position to catch hold of the complainant – Chetan Dass from his arms and then inflict kick blows on him. We agree with the findings of the Ld. Trial Court in recording a finding of acquittal against Surjit Kaur under Sections 304, 452, 341, 325, 323, 506, 34 IPC. Coming to accused-respondent No.2/Balwinder Singh @ Titu, the role attributed to him is

that he inflicted stick blows on the legs of the complainant and injuries on his

fingers. PW-3/Dr. Lily Singla, who medico legally examined the complainant opined that the injuries suffered by him on the right leg, right ankle, left leg and other parts of the legs i.e. all non-vital parts, lacerated injury on the right ring finger and the right middle finger, were caused with a blunt weapon and the probability of a fracture having been suffered due to his old age coupled with the bones being brittle, could not be ruled out.

It would be pertinent to mention here that the occurrence took place on 17th November, 2013 and the complainant died on 30.12.2013 i.e. after 44 days of the said occurrence. It has come in evidence that from 17th November, 2013 to 20th November, 2013, he was admitted in Rajendra Hospital, Patiala, where he was advised surgery. However, since his attendants refused any such procedure, he was managed with POP cast and thereafter, discharged on 20th November, 2013, in a satisfactory condition. Thereafter, he was admitted in Klair Orthopedic Center, Punjabi Bagh, Patiala, w.e.f. 20th November, 2013 to 22nd November, 2013, where too, he was discharged in a satisfactory condition. From 03rd December, 2013 to 08th December, 2013, he was admitted in Jindal Institute of Medical Sciences, Hissar, where, a surgery was performed on his right leg by PW-12/Dr. Anil Goyal and thereafter, on request of the complainant himself, he was discharged on 08.12.2013. He died on 30th December, 2013. There is no material on record to suggest even remotely as to where the complainant – Chetan Dass, remained or was treated for his injuries during the intervening period of 22nd November, 2013 to 02nd December, 2013 and thereafter, between 08th December, 2013 to 30th December, 2013. Moreover, each time that he was discharged from the hospitals, it has come on record that he was discharged in a satisfactory condition or on request of the complainant himself or his family. Further, as per the postmortem report Ex.PW4/B, cause of death in this case was due to Septicemia leading to

multi organ failure which was sufficient to cause death. Hence, it can be safely inferred that the injuries suffered by the complainant – Chetan Dass were not the direct or immediate cause of his death.

In view of the above, we do not find any ground to interfere in the impugned judgment dated 16.07.2015, passed by the Ld. Court below, as the same is a well reasoned one. Consequently, the present appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 25, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*