

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-2688-MA of 2018 (O&M)

Date of Decision: September 19, 2019.

Gurmail Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Kunwar Rajan, Advocate, for the appellant.

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Anil Kshetarpal, J. (Oral)

Petitioner, the first informant-injured, is in revision against the judgment passed by the learned Additional Sessions Judge, Sirsa, acquitting the accused under Sections 323, 324/34 IPC while reversing the judgment of the learned Judicial Magistrate. The Additional Sessions Judge has given following five significant reasons to reverse the judgment:-

(i) There is a delay of approximately three days in lodging the FIR particularly when the injured is alleged to have travelled to Sirsa next day to get his X-ray conducted. Still further when father of the injured was examined as PW-3, he has stated that on the next day of the incident, the police came in the hospital but the statement of his son was not recorded as he was not fit to make a statement, but he did make a statement before the police which was recorded and he has disclosed all the facts to the police who had obtained his signatures' (ii) weapons of alleged offence were not produced by the prosecution in the Court and no explanation has been produced by them for not producing the weapons in the Court; (iii) ocular version of the injured regarding injuries sustained by him is contradictory to the medical evidence; (iv) the injuries suffered by the first informant are

very minor in nature particularly in the context that injured himself stated that his motorcycle was slipped in the afternoon, and (v) there are material contradiction in the ocular version of the injured as well as his father.

It is well settled that the prosecution is required to prove its case beyond the shadow of reasonable doubt. In the present case, the learned Additional Sessions Judge has found on appreciation of evidence that the prosecution has failed to establish its case and bring home the guilt of the accused. The Court has further found that the prosecution has failed to establish any motive for the crime particularly when the accused are uncle and cousin of the injured. Hence, no ground to interfere with the impugned judgment is made out.

Dismissed.

September 19, 2019

mohinder

(ANIL KSHETARPAL)
JUDGE

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