

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

CRR-2174-2017 (O&M)

Date of decision : 27.11.2019

Jang Bahadur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Vashishth, Advocate for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana.

Mr. Harish Nain, Advocate for respondent Nos.2 to 4.

ANIL KSHETARPAL, J. (ORAL)

Complainant is in the criminal revision petition against the judgment passed by the learned Additional Sessions Judge, Hisar accepting the appeal filed by respondent Nos.2 to 4 and acquitting them of the criminal charge.

Learned Court has recorded following reasons to accept the appeal:-

- 1) Learned Magistrate even while convicting respondent Nos.2 to 4 has itself discarded the story of the complainant that the injuries were caused to him by the accused after entering inside his house. The Court found that the place of incident in such like matter is most crucial and unless and until the Court is convinced about the place of occurrence, the order of conviction cannot be passed. On the one hand, complainant has taken a stand that accused has caused injuries after entering into his house whereas learned Magistrate has found that there is no evidence. Even,

the Appellate Court has found that the complainant has failed to prove that alleged incident has taken place inside his house.

- 2) The police after investigation found the version of the complainant to be false and prepared cancellation report. The present proceedings were initiated on the criminal complaint filed.
- 3) The first version given by the petitioner to the police does not disclose that the incident was witnessed by his wife-Santra. However, when he filed the complaint, he made improvement. Even the place and manner of causing incident is different from the first version of the complainant. There is no explanation under what circumstances his first statement was recorded by the police.
- 4) Complainant has taken a stand that accused No.3 with *daatar*, accused No.2 with *gandasi* and Vikram-juvenile had caused injuries with *chura*, while accused No.1 was holding a gun. However, no evidence has been brought on record that accused No.1 was having a licenced gun and if it was a illegal weapon, the same has not been got recovered. The Court has also noticed that the first informant had also shifted the place of occurrence which has resulted into paradigm shift in his stand as a manner of causing injuries.

In view of the aforesaid findings arrived at by the learned Court of Sessions, this Court is of the considered opinion that no ground to interfere in the judgment of acquittal is made out.

Accordingly, the present petition is dismissed.

27.11.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

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