

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

**CRR-1175-2016 (O&M)
Date of Decision : 23.01.2020**

Sher Mohammad Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Harkeerat Singh Randhawa, Advocate
for the petitioner.

RAMENDRA JAIN, J. (Oral)

Through this revision, petitioner-complainant has assailed judgment dated 05.02.2015 of the trial court, acquitting private respondent Nos.2 to 7 (hereinafter referred to as 'the private respondents') and the judgment dated 03.12.2015 of the Appellate Court, dismissing his appeal against the aforesaid judgment of trial court.

Briefly, complainant lodged FIR No.153 dated 23.04.2010, under Sections 148, 149, 323, 506 IPC against private respondents, at Police Station Hathin, on the allegations that on the early morning of 31.01.2010, private respondents, armed with deadly weapons like farsa, lathis etc., trespassed his house and caused multiple grievous injuries to him, his wife Jafa and son Anshid. . After due investigation, final report under Section 173 Cr.P.C. was presented before the court.

The trial court, after appreciation of evidence, acquitted

all the respondents vide judgment dated 05.02.2015.

Being dissatisfied, petitioner approached the lower appellate court but remained unsuccessful as his appeal too was dismissed vide judgment dated 03.12.2015.

Learned legal aid counsel relying upon the judgment of Hon'ble Supreme Court in **Sunil Kumar vs. The State Govt. of NCT of Delhi 2003 (4) RCR (Criminal) 713**, inter alia contends that both the courts below failed to appreciate that private respondents caused multiple injuries including fracture to petitioner. His sole testimony was sufficient to convict the private respondents.

Having given thoughtful consideration to the aforesaid submissions, this Court finds the instant petition merits dismissal for the reasons to follow.

Statement of PW3 Anshid was contradictory in itself, inasmuch as initially, he testified that at the time of occurrence, he was sleeping in the house. But resiling from his above stand, in cross examination, he admitted that he had come lateron from outside, when the occurrence took place. That apart, according to petitioner, his wife Jafa was also caused injuries, but he did not examine her for the reasons, best known to him. There is also 29 days delay in lodging the FIR. Moreover, in the initial medico legal report of petitioner, the fracture, allegedly, suffered by petitioner was not shown. Therefore,, showing the same after three months can safely be declared as manipulation of the petitioner.

I have gone through the impugned judgments of both the courts below. The concurrent findings, recorded therein, are well

reasoned and based on appreciation of evidence. Thus no interference is called for.

Dismissed.

23.01.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No