

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

209

CRM-A-1509-2019.

Date of Decision: 17.03.2022.

Sham Singh

....Applicant.

Versus

Hardeep Singh and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. B.B.S. Randhawa, Advocate for the applicant.

Amol Rattan Singh, J. (Oral)

Vide this application under Section 378(4) of Cr.P.C., the applicant is seeking leave to appeal against the judgment of the learned JMIC, Batala, dated 06.03.2019, dismissing his complaint, in which he has raised allegations of the commission of offences punishable under Sections 323, 324, 326, 148 and 149 of the IPC, against respondents No.1 to 4.

Learned counsel for the applicant submits that the applicant having sustained injuries as were duly proved by the MLR later in evidence before trial court, they have been completely ignored to acquit the said respondents by granting them the benefit of doubt.

He points to the evidence led with regard to the aforesaid injuries.

Having considered the matter, firstly it is to be seen that as regards the injuries stated to have been sustained by the applicant, as per the testimony of CW-3 Dr. Sukhdeep Singh, the applicant received one injury on his left leg with the X-ray showing a superficial bone cut of the left tibia.

In his cross-examination, the said witness admitted that he had conducted no surgery on the patient, with him also stating that he is not a radiologist.

On the other hand, in their defence, the said respondents had examined Dr. Alok Naraian as DW-1, who had deposed that there were a total of 16 injuries on the person of respondent No.3-Jagjit Singh and respondent No.2-Kamaljit Singh/Kamaldeep Singh (11 on the person of Jagjit Singh and 5 on the person of Kamalajit Singh/Kamaldeep Singh).

Upon query to learned counsel for the applicant, he does not deny that, in fact, as regards the occurrence in question, there was an FIR registered arraigning the applicant and others as accused therein and in the context of the proceedings pursuant to that FIR, the applicant stands convicted.

He also does not deny, upon query, that initially a cross-version to the said FIR had been registered at the instance of applicant but with a cancellation report having been filed by the police.

A further perusal of the impugned judgment shows that the learned trial court, found material contradictions in the version given by the applicant, inasmuch as there was a discrepancy in dates, and as regards a statement having been produced as Mark B-1, though he denied his signatures on it, thereafter in his evidence he had deposed that he was present on his land alongwith two other persons on 04.06.2011 and had admitted that the police never came at the spot in his presence.

He also admitted that he did not furnish any bloodstained clothes to the police, with him also not giving any details of the injuries he had received at the hands of the accused.

Having considered all the above, we find no error in the judgment of the learned trial court where it has taken a very possible view in acquitting the said respondents by granting them the benefit of doubt after looking into all aspects.

Consequently, finding no merit in the application, it stands dismissed.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

17.03.2022
jitender

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