

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

**CRR-2508-2016 (O&M)
Date of decision : 22.11.2022**

Kapoor Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner has challenged the judgment of conviction passed by the trial Court dated 25.02.2014 which stands affirmed by the Appellate Court vide order dated 23.02.2016.

2. Counsel for the petitioner has emphatically argued that Kamlesh one of the injured persons was not examined and there is no recovery alleged qua the petitioner and thus conviction of petitioner cannot be maintained.

3. Mr. Ambavta on the other hand submits that the matter in question relates to version and cross-version. Thus, the incident cannot be belied. At the same time, injured witness PW-1 Ashok Kumar appeared and was examined. The incident further corroborated by the statement made by Rambir who appeared as PW-5 and is an eye witness to the whole occurrence. Medico legal report vis-a-vis injuries caused on the person of Ashok Kumar was also fully proved as PW-3/D.

4. Thus, no fault can be found with the order of conviction passed by the trial Court and so affirmed by the Appellate Court.

5. I have heard counsel for the parties and have gone through the records of the case.

6. Case of the prosecution is that:-

“On 18.09.2006 ASI Ved Parkash along with HC Hari Singh were present at DPO Rewari. Then, a telephonic message was received from PS Kasola that Rambir and Ashok etc. have been admitted in general hospital Rewari after an incident of assault. On receiving the said information ASI Ved Parkash reached at GH Rewari and received ruqa and MLR of the injured persons. Thereafter, statement of Rambir son of Sukhi Ram was recorded who narrated that he is an agriculturist and at about 2 pm. he alongwith his wife Kamlesh and son of his brother in law namely Ashok son of Shiv Kumar were returning to their home after taking Bajra (pearl millet) in their tractor and when they reached near their village adjacent to the fields of Kanwal then Jaipal son of Kanwar Lal, Rampat son of Jagram, Kapoor son of Hari Ram all resident of village Mukandpur came from the opposite side on a tractor of blue colour and the same was being driven by Jaipal and thereafter the accused persons obstructed their way by stopping the tractor in the midway and thereafter Kapoor son of Hari Ram pulled down Ashok from the tractor and gave fist and kick blows to Ashok and Rampat gave drati (sickle) blow on the left side his back and Jaipal gave fist blows to his wife. In the meantime Dharambir son of Solia, Naresh son of Rampat and Kartar son of Man Singh also reached at the spot and gave beatings to the complainant party as there was property dispute between them. He further stated that Dharambir gave fist and kick blows on his abdomen and Naresh gave slaps to his wife

and Kartar gave kick and fist blows on the back and abdomen of Ashok and thereafter Jaipal started his tractor and Kapoor pushed Ashok in front of the tractor and thereafter the tractor was run over the body of Ashok and on account of which Ashok received injuries on his left leg, right hand and back and on raising hue and cry the accused persons ran away from the spot and threatened the complainant party of dire consequences. Thereafter, the accused persons were taken to hospital by their uncle Ram Kishan. He further stated that the alleged fight took place on account of property dispute with the accused persons.”

7. From the record, it is clear that Ashok Kumar, the injured witness fully supported the prosecution version and the injuries on his person stand fully corroborated by the medical evidence on record Ex.P4/D. The mere fact that Kamlesh the other injured witness was not examined cannot have an effect of denting the case projected by the prosecution.

8. Similarly, merely for the reason that no weapon was recovered from the petitioner will not have any effect to exculpate him. In view of cogent and trust worthy evidence on record, no fault can be found with the judgment of conviction passed by the Courts below.

9. Consequently, the present petition is dismissed being without merit.

(PANKAJ JAIN)
JUDGE

22.11.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No