

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

CRR No. 4362 of 2017 (O&M)

Date of decision: 07.12.2022

Vijay Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Arora, Advocate
for the petitioner/complainant.

Mr. P. S. Pandher, AAG, Punjab.

None for respondent Nos. 2 to 6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision is for setting aside the judgment dated 04.10.2017, passed by the lower appellate Court, vide which the appeal filed by the petitioner/complainant challenging the judgment dated 01.07.2015, passed by the trial Court, vide which the accused/respondent Nos. 2 to 6 were acquitted of the charges, framed against them under Sections 323, 341, 506, 148, 149 of the IPC, was dismissed.

As per prosecution, the brief facts of the case are that the present case was registered at the instance of complainant Vijay Kumar with allegations that on 01.06.2013, at about 08:00 AM, he was present in his house, when his elder brother namely Raj Kumar collected house waste/garbage and threw inside the same in his house and when the complainant raised an objection to the same, his brother Raj Kumar and his parents did not pay any to his grievance, rather his father Sarwan Dass, his elder brother Raj Kumar alias Bhola, his wife Binder, his son Rohit and his

mother Deepo gathered in the street outside his house and started abusing him. In the meantime, accused Raj Kumar pushed him due to which the complainant fell down on the street and his father Sarwan Dass brought a hockey and gave him a blow on the right side of his skull. His brother Raj Kumar also gave him a fist blow on his lips. His mother and his sister-in-law held him from his hair and gave him fist blows due to which the complainant got seriously injured. On hearing the hue and cry of complainant, his wife and others rescued him, however, the accused persons fled away from the spot. The complainant was taken to Civil Hospital, Jalandhar for treatment. Thereafter, the accused persons were apprehended and on completion of investigation, the *Challan* was presented before the Court.

Finding a prima facie against the accused persons, the charges were framed under Sections 148, 323, 341, 506 of the IPC read with Section 149 IPC, to which they pleaded not guilty and claimed trial.

The trial Court, after hearing both the parties and appreciating the evidence and material brought on record, acquitted all the accused persons by observing that the story put forth by the prosecution is shrouded by doubts, due to which, the accused persons cannot be held guilty with respect to the allegations levelled against them. It was also observed that the prosecution has missed to link the chain beyond the shadow of reasonable doubt in order to bring home the guilt of the accused.

Aggrieved against the aforesaid judgment of acquittal passed by the trial Court, the petitioner/complainant preferred an appeal before the lower appellate Court, which was dismissed, vide impugned judgment dated 04.10.2017. Hence, the present revision.

Learned counsel for the petitioner/complainant has argued that respondent Nos. 2 to 6/accused are the parents of the complainant as well as his real brother and his wife and son and the petitioner/complainant would never think of implicating his own family members in a false case and the Courts below have erred in acquitting the accused persons as in view of the evidence led by the prosecution, the offence punishable under Sections 148, 323, 341, 506 and 149 of the IPC is made out against respondent Nos. 2 to 6/accused.

After hearing learned counsel for the petitioner/complainant and going through the impugned judgments, I find no merit in the present petition.

Both the Courts below have recorded a concurrent finding that the prosecution has failed to prove its case beyond the shadow of reasonable doubt and the evidence led by the prosecution is shrouded by the doubts. It is also observed by the trial Court that there is absolute dearth of evidence on record to associate the accused persons with the offence.

Accordingly, in view of the limited jurisdiction in criminal revision, this Court is of the opinion that both the Courts below have not committed any error in passing the impugned judgments.

Accordingly, the present petition is dismissed.

07.12.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No