

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

CRA-AS-144-2023

Date of decision : 03.07.2023

Hari Ram

....Appellant

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Achin Gupta, Advocate
for the appellant.

MANOJ BAJAJ, J.

Hari Ram-applicant has preferred this appeal to challenge the judgment dated 05.12.2022 passed by the learned Sessions Judge, Mansa whereby respondent Nos.2 to 4 were acquitted in Sessions case No.32, relating to FIR No.66, dated 22.07.2013 under Sections 148, 308, 447, 511, 323, 427, 379 and 506 Indian Penal Code, 1860, registered at Police Station City-II Mansa, District Mansa.

Learned counsel has argued that appellant (complainant) had adduced sufficient evidence against the accused persons, namely, Tarlochan Singh @ Khushpreet Sharma @ Khushdil, Janak Raj and Nirmala Devi (respondent Nos.2 to 4) showing their involvement in the alleged commission of offence punishable under Sections 447, 379, 427, 506, 511, 323, 148 and 149 IPC, therefore, the trial Court is not justified in acquitting the accused persons. He submits that the prosecution witness, namely, Dr.Ajay Kumar had examined complainant Hari Ram on 19.07.2013 and

injuries suffered by Hari Ram were proved through medical evidence. According to the learned counsel, testimony of the complainant was further supported by other witness, namely, Kala Singh, who stated that the accused persons had attacked Hari Ram, wherein he had suffered the injuries, and though trial Court observed that complainant-Hari Ram suffered injuries in the alleged occurrence, despite that it has proceeded to acquit accused. He prays that the impugned judgment of acquittal be set aside.

After hearing learned counsel and considering the submissions, this Court finds that initially the FIR was lodged against six accused persons and in the alleged occurrence injuries were also suffered by the accused, namely, Ram Kumar. During the course of hearing, it is not disputed that the dispute between appellant-Hari Ram (complainant) and accused-Ram Kumar and his son-Sarabjit @ Singh @ Gurpiar Sharma was amicably settled by way of compromise, whereupon the subject FIR was quashed qua them. Another accused, namely, Salochana Rani died during the pendency of the trial, therefore, proceedings qua her also abated vide order dated 20.10.2018.

No doubt, Hari Ram had suffered injuries in the occurrence, but in the said occurrence accused-Ram Kumar also suffered injuries and as per the observation made in the impugned judgment, both these persons remained admitted in the hospital. The trial Court has specifically referred to the evidence of PW-Kala Singh, who in his cross-examination admitted that the occurrence had taken place between Ram Kumar and Hari Ram, therefore, once the dispute was compromised qua Ram Kumar, who had allegedly caused injuries to Hari Ram, the complainant cannot raise an

argument that for injuries caused by Ram Kumar, the respondent Nos.2 to 4 be convicted. A perusal of the impugned judgment shows that the trial Court has carefully examined the evidence and other material on record while acquitting the respondent Nos.2 to 4. The view adopted by the trial Court is probable in the light of the evidence on record, therefore, impugned judgment does not call for any interference.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

03.07.2023

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