

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

(216)

**CRA-AD-106 of 2023
Date of Decision: 07.11.2023**

Sukhvinder Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Rajesh Kumar Dhankar, Advocate, for the appellant.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J.(ORAL)

1. This appeal is directed against the acquittal of the respondents No. 2 to 4 for the offence under Sections 323, 341, 506 and 307 read with Section 34 IPC registered at Police Station Sadar, Charkhi Dadri.

2. Learned counsel for the appellant submits that the respondents have been erroneously acquitted, although, there was cogent evidence to bring home their guilt. He submits that as the injured applicant was seriously injured in the incident and was admitted to hospital, it led to delay in registration of the FIR which cannot be the basis of acquittal. Two injuries have been suffered by the applicant on his head and ear and doctor had opined that there is possibility of the injuries being caused by *danda* and iron road which was recovered from respondents No.2 and 3 respectively.

3. Heard.

4. It was the case of the prosecution that on 06.01.2018, a telephonic message was received that the applicant Sukhwinder Singh had been admitted in Noble Hospital, Rohtak, after receiving injuries in a fight.

PW-10 ASI Vijaypal along with HC Ashok reached the hospital and obtained medical Rukka and MLR. The incident is stated to have been taken place at about 3:00 p.m. on 05.01.2018 but the information to the police was sent at 9:17 p.m. on 06.01.2018. There does not seem to be any explanation for the delay in sending the information.

5. PW-2 Satbir Singh is also stated to be an eye-witness but even in application to the police, he had stated that the injured was taken to Noble Hospital, Rohtak but the Medical Slip Ex.P-1 indicated that the injured was first taken to Jai Hind Health Care Hospital, Charkhi Dadri. At the time of his admission to the hospital at Charkhi Dadri, the information which had been given to the doctor was that it was a case of road accident as recorded in Ex.P-1. There are other material discrepancies in the evidence of PW-2 Satbir Singh as in a first version to the police, he had stated that the three accused were assaulting the injured and he himself intervened and he was also given fist and slap blows and then the accused had fled away from the spot but while stepping into witness box, he had stated that he had requested the accused to spare the injured and he took him to the hospital at Charkhi Dadri and later he was referred to the hospital at Rohtak due to serious injuries. He could not explain satisfactorily as to why the history of road accident had been given to the doctor at Charkhi Dadri.

6. The applicant who was injured in the incident and examined as PW-1 had received serious injuries and had remained admitted in the hospital till 19.01.2018 i.e. for about two weeks. He was stated to have been discharged on 19.01.2018 in a stable condition but he did not make any statement with regard to the injuries sustained by him due to assault by the respondents to the police till 04.03.2018. There is no explanation as to why he took so long to put forth his version before the police.

7. PW-3 Dr. Vinayak Rastogi who examined the injured had stated that injured had received the injuries on his head and ear and also stated that it is likely that the injuries could have been sustained due to road accident.

8. In view of the above, we are in agreement with the judgment of the trial Court whereby the respondents have been acquitted for the offence under Sections 323, 341, 506, 307 read with Section 34 IPC. We do not find any material illegality or perversity in the judgment which would warrant interference in an appeal against acquittal. Hence, the appeal is dismissed accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

07.11.2023
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No