

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

247

(1)

CRR-912-2019

Date of decision: 09.03.2023

Bagga Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(2)

CRR-1736-2019

Date of decision: 09.03.2023

Bagga Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Baldev S. Sidhu, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above referred two revision petitions as they arise out of the same impugned order and identical questions of facts and law are involved in them.

The petitioner/complainant (hereinafter referred to as 'the complainant') is challenging the judgement dated 18.01.2019 passed by the learned Appellate Court vide which the judgment of conviction and order of sentence dated 19.12.2013 passed by learned Judicial Magistrate 1st Class, Faridkot was set aside and accused respondents No.2 and 3 along with co-accused Amarjit Singh (died during pendency of the appeal before the Appellate Court) were acquitted of the charges framed against them under Sections 323, 324, 325, 326, 341 and 34 of the IPC.

The learned Trial Court vide order dated 19.12.2013

convicted and sentenced respondents No.2 and 3 and co-accused Amarjit Singh as under:-

Name of Convict	Offence(s) u/s	Period of sentence	Fine imposed	Period of sentence in default of payment of find
Sandeep Singh	326 IPC	RI for 03 years	₹ 3,000/-	03 months
	325/34 IPC	RI for 02 years	₹ 1,000/-	01 month
	324 IPC	RI for 01 year	₹ 1,000/-	01 month
	323 IPC	RI for 06 months	-	-
	341 IPC	SI for 01 month	-	-
Kheta Singh	326/34 IPC	RI for 02 years	₹ 1,000/-	01 month
	325/34 IPC	RI for 02 years	₹ 1,000/-	01 month
	324 IPC	RI for 01 year	₹ 1,000/-	01 month
	323 IPC	RI for 06 months	-	-
	341 IPC	SI for 01 month	-	-
Amarjit Singh	325 IPC	RI for 03 years	₹ 3,000/-	03 months
	326/34 IPC	RI for 02 years	₹ 1,000/-	01 month
	324/34 IPC	RI for 01 year	₹ 1,000/-	01 month
	323 IPC	RI for 06 months	-	-
	341 IPC	SI for 01 month	-	-

All the sentences were ordered to be run concurrently.

Learned counsel for the complainant has vehemently argued that while passing the impugned judgement, the learned Additional Session Judge had erroneously ignored the evidence brought on record by the prosecution which clearly showed the involvement of respondents No.2 and 3-accused in the crime in question. He submitted that accused respondent No.2 Sandeep Singh armed with *Kirpan*, and respondent No.3 Kheta Singh armed with *Takua*, had attacked the

complainant on 11.07.2008 at about 5:30 a.m., when he was going towards his fields. As a result of the attack, he sustained injuries on various parts of his body including his head and legs. The occurrence in question was witnessed by Baljit Singh. Despite the complainant corroborating the allegations levelled in the FIR in question against the accused, the learned Appellate Court erred in acquitting them of the charges framed under Sections 326/325/324/323/341/34 of the IPC by giving them the benefit of doubt.

I have heard learned counsel and perused the relevant material on record.

This Court has no hesitation in concurring with the judgement under challenge, passed by the learned Additional Session Judge, Faridkot. It is a matter of record and has not been disputed by the learned counsel for the complainant, as well, that subsequent to the admission of the complainant in the hospital, no information much less any medical *Ruqa* was sent by any doctor to the police. In the circumstances, this Court finds it extremely strange as to how could the investigating officer learn about the admission of the complainant in the hospital. The investigating officer while stepping into the witness box as PW7 also was unable to disclose as to how and under what circumstances he happened to reach the hospital where the complainant was admitted, for getting his statement recorded. Still further, as per the complainant on account of the injuries allegedly inflicted on him by the accused, he was admitted in the hospital by Saraj Singh and Baljit Singh. However, no evidence was brought on record in support of the

same. Rather, as per the MLR (Ex.PW3/A) the injured complainant was brought to the hospital by his wife Gurmeet Kaur. It would also be pertinent to note that MLR of the complainant was completely silent as to the manner in which he received injuries on his person. It is not even the case of the complainant that he was unconscious or unfit when he was admitted to the hospital and hence he was not able to disclose about the manner in which he had received injuries at the hands of the accused. PW2 Saraj Singh was stated to be present at the place of occurrence and an eye witness who admitted the complainant in the hospital, however, while stepping into the witness box he deposed to the contrary and stated that he had been informed by one Baljit Singh that the complainant had suffered injuries at the hands of one Amarjit Singh. Furthermore, as per the complainant, he was inflicted injuries by the accused in the area of the village Rameana, however, for reasons very strange and which do raise eyebrows, the complainant instead of rushing to the nearest Civil Hospital at Jaitu and reporting the crime to Police Station Jaitu travelled all the way to Civil Hospital, Kotkapura which was much beyond Civil Hospital, Jaitu. In the circumstances, a doubt is created about the genesis of the occurrence and the manner in which the complainant received injuries. This Court, thus, finds no merit in the instant revision petitions which are accordingly dismissed.

09.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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