

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

CRR-4857-2016 (O&M)
Date of Decision: 28.07.2023

Inderjit Verma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. M.S. Sachdev, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

Challenge in the present petition is to the judgment dated 20.09.2016 passed by the learned Additional Sessions Judge, Jalandhar, whereby while dismissing an appeal filed by the petitioner, the judgment dated 17.02.2016 passed by the learned Judicial Magistrate, Ist Class, Jalandhar, acquitting respondent No.2 of the charges framed against him, was upheld.

FIR No.127 dated 14.07.2011 under Sections 323 and 324 IPC at Police Station Division No.1, Jalandhar, was got registered by the complainant-petitioner with the allegations that he had retired as a DSP from the Punjab Police; that he had been provided two gunmen by the Government, namely, Constables, Charanjit Singh and Kuldeep Singh; that on the day of occurrence, respondent-accused Charanjit Singh, had requested for three days' leave, but the complainant told him that he had to go somewhere the day after and the latter could avail the leave thereafter; that accused-respondent Charanjit Singh got infuriated and punched the complainant on the left eye and that thereafter, he had inflicted

injury on the right hand finger of the complainant; that Loveinder Verma, son of the complainant, and Kuldeep Singh, had somehow rescued the complainant from accused-respondent Charanjit Singh. It was further alleged by the complainant that as he had remained in the field duty and had apprehended bad elements, accused-respondent Charanjit Singh, might have colluded with the said elements to eliminate the complainant.

Initially the FIR was registered under Section 307 IPC, but after an inquiry on the basis of an application submitted by accused-respondent Charanjit Singh, the said offence was dropped by the Police and instead offences under Sections 323 and 324 IPC were added.

Charges were framed against the accused-respondent under Sections 323 and 324 IPC, to which he pleaded not guilty and claimed trial.

Based on the evidence led by the parties and after taking into consideration the rival contentions, the learned trial Court vide judgment dated 17.02.2016, acquitted accused-respondent Charanjit Singh, by giving him benefit of doubt. In appeal filed by the petitioner-complainant, the learned Additional Sessions Judge, vide judgment dated 20.09.2016 affirmed the judgment of acquittal passed by the trial Court. Still aggrieved, the petitioner-complainant has preferred the present revision.

Learned counsel for the petitioner contends that the petitioner-complainant, while appearing as PW1 had duly corroborated the version contained in the FIR and so is the version of other prosecution witnesses. However, both the Courts below have failed to appreciate the same. It is further contended that

minor contradiction in the testimony of the witnesses is bound to occur with the passage of time and thus, both the Courts ought to have ignored the same in the face of the other material evidence on record.

I have heard the learned counsel for the petitioner, but do not find any merit in the present petition.

The trial Court in its judgment dated 17.02.2016 clearly noticed the contradiction in the statements of the prosecution witnesses. It was found that PW4-HC Kuldeep Singh, an eye-witness of the occurrence, did not support the case of the prosecution and rather deposed that it was the complainant, who had hit the accused-respondent Charanjit Singh and when said Charanjit Singh, tried to save himself, then the head of the complainant struck against a table, resulting into injuries on his face and finger. Said witness was declared hostile, but nothing favourable could be brought out by the prosecution. Furthermore, while examining PW2-SI Balvinder Singh, Investigating Officer, it was found that the said witness had admitted the contradiction to the extent of the weapon used in the crime, inasmuch as the complainant had stated that accused-respondent Charanjit Singh had attacked him with 'Gatra', whereas his son Loveinder Verma had stated that the complainant was attacked with a sword. It was further found that the injuries suffered by the complainant did not commensurate with the ones detailed in the MLR as only a skin deep wound had been revealed to be present on the index finger of the complainant, but had the injuries been inflicted with 'Gatra', then the same would have been present upon all the fingers of the complainant. Accordingly, the trial Court, acquitted the accused-

respondent of the charges framed against him by extending him the benefit of doubt. As noticed above, the appellate Court affirmed the findings recorded by the trial Court.

I do not find any merit in the present revision and the same is liable to be dismissed.

The Courts below have noticed the huge discrepancies in the evidence led by the prosecution. As per the version contained in the FIR, at the time of the occurrence, petitioner-complainant was accompanied by his son Loveinder Verma and Kuldeep Singh. HC-Kuldeep Singh, one of the eye witnesses of the alleged incident, had turned hostile. The other eye-witness of the occurrence, Loveinder Verma, son of the complainant, was not examined for the reasons best known to the prosecution.

It is settled law that the prosecution has to prove its case against the accused beyond the shadow of reasonable doubt. The findings of acquittal, thus, recorded by the trial Court and affirmed by the appellate Court, do not require any interference in the present petition. In the revisional jurisdiction, this Court, cannot re-appreciate the evidence, unless there is a patent illegality in the findings recorded.

No other point has been urged.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

28.07.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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