

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

CRR-3730-2017

Date of Decision: 21.08.2023

Gurjant Singh

....Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tejinder Pal Singh, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

Challenge is to the judgment dated 10.08.2017 passed by the learned Additional Sessions Judge, Sangrur, whereby an appeal filed by the petitioner against the judgment of acquittal dated 25.02.2016 passed by the learned Judicial Magistrate, Ist Class, Malerkotla, has been dismissed.

Vide judgment dated 25.02.2016, the learned trial Court, had acquitted respondent Nos.2 to 5 of the charges framed against them, in case FIR No. 110 dated 18.08.2011 registered under Sections 451, 341, 323 read with Section 34 IPC, at Police Station Ahmedgarh.

Respondent Nos. 2 to 5 were tried for the offences under Sections 451, 341, 323 read with Section 34 IPC.

After considering the evidence led and hearing the rival contentions, the learned trial Court, had acquitted respondent Nos. 2 to 5 finding that the prosecution could not prove its case against the said respondents. It was also found that the case of the prosecution was full with contradictions and

that the material and relevant witnesses were not examined by the prosecution to prove the guilt on the part of the accused-respondents. Still further, it was found that there was a huge delay in lodging the FIR and that the prosecution had failed to explain such delay. In appeal, the findings recorded by the trial Court, were upheld.

Learned counsel appearing for the petitioner would vehemently argue that both the Courts below have failed to appreciate the very fact that the injured-complainant, while appearing before the Court, had reiterated the manner of occurrence and the injuries caused to him by the accused-respondents and merely because the other witnesses of the occurrence, were not examined, was no ground to acquit the accused-respondents.

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

Both the Courts below have found that except PW3-Gurjant Singh, injured-complainant, there was nothing on record to support his version. It was also found that Satinderpal Singh, son of the complainant, who, according to the prosecution version, had been present at the time of occurrence, was not examined nor the Doctor, who had medically legally examined the injured-complainant. Both the Courts have further found that Sarbjit Kaur, who was also stated to be present at the place of occurrence, was not examined by the prosecution. The justification given by the prosecution that the said witnesses could not be examined as the prosecution evidence was closed

by a Court order, did not find any favour as it was noticed that the charges were framed on 21.01.2012 and the prosecution evidence was closed on 01.12.2016. It was found that the occurrence took place on 05.08.2011, whereas the FIR was registered on 18.08.2011 and there was no explanation of such a huge delay.

Apart from above, both the Courts have found that there was tampering with the date on the MLR and which was why the prosecution did not examine the Doctor who had examined the injured-complainant.

From the findings recorded by the Courts below, it stands established on record that there was no evidence, worth appreciation, on the basis of which the guilt on the part of respondent Nos. 2 to 5 could be proved. Learned counsel appearing for the petitioner could not point out any illegality in the findings recorded by the Courts below. It could not be pointed out that there is any misreading of evidence on record or such evidence had been ignored, while passing the impugned judgments.

No other point has been urged.

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

21.08.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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