

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

CRR No. 527 of 2017 (O&M)

Date of decision: 31st January, 2023

Amrit Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Madan Sandhu, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for respondent No.1/State.

MANJARI NEHRU KAUL, J.

The petitioner is impugning the judgment and order dated 14.09.2016 passed by learned Additional Sessions Judge, Ludhiana as well as order dated 12.02.2015 passed by learned Judicial Magistrate 1st Class, Khanna in FIR No.78 dated 15.04.2010 under Sections 452, 323, 427, 506, 34 IPC pertaining to Police Station Sadar Khanna vide which respondents No.2 to 4 were acquitted of the charges for commission of offence under Sections 452, 323, 427, 506, 34 IPC.

As per the allegations levelled in the FIR, which was registered at the instance of the petitioner complainant, on the fateful day i.e. 13.04.2010, his brother i.e. respondent No.2 Amrik Singh was trying to forcibly lay the lintel on a portion of the house which had

been left open by the complainant for sunlight. When the complainant stopped respondent No.2 from doing so, he indulged in abusive language. Soon thereafter, respondent No.2 armed with a Gandasa along with his son respondent No.4, armed with an iron pipe and respondent No.3 armed with a Danda came to the spot. Respondent No.2 raised a lalkara and inflicted a Gandasa blow from the reverse side on the left thigh of the complainant. Respondent No.4 inflicted blows on the complainant with an iron pipe on his back and left bicep. Respondent No.3 inflicted a Soti blow on the chest of the complainant. Besides this, respondent No.2 broke the glass of the doors and windows of the house of the complainant with his Gandasa. The complainant raised hue and cry which attracted his wife to the spot, however, she too was threatened with dire consequences. Three persons namely, Pal Singh, Umrao Singh and Gurbant Singh were attracted to the place of occurrence, however, all the accused persons on seeing them, fled away with their respective weapons. It was alleged that there was a dispute between the parties with respect to some family partition and a civil suit was pending before the Civil Court at Khanna. The complainant, while recording the FIR, also stated that after the occurrence in question, he stayed indoors and out of fear did not venture out of the house. It was only on 14.04.2010, one of his friends Gurdeep Singh came and took him to Civil Hospital, Khanna for treatment.

Besides examining himself as PW-1, the complainant examined three other witnesses including PW-4 Dr.Madhu Bansal. The trial Court acquitted all the accused of the charges framed against them by holding that the prosecution had been unsuccessful to prove its case beyond shadow of reasonable doubt. The lower appellate Court upheld the order of acquittal of the respondents.

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

This Court does not find any error, much less illegality, in the impugned judgment and order for the reasons to follow.

The occurrence in question allegedly took place on 13.04.2010 at about 5.00 p.m. and the FIR in question was lodged after an inordinate delay of two days i.e. on 15.04.2010. No doubt, in some cases, in case of a delayed FIR, benefit of doubt can indeed be given to the complainant, however, in the case in hand since the complainant had allegedly received a number of injuries with lethal weapons on different parts of his body, it does not appeal to prudence as to why he would have chosen to remain confined to his house and not even rush to any doctor or medical facility for his treatment. It is a matter of record that the complainant got himself admitted in Civil Hospital, Khanna only on the following day and that too, as late as at 10.35 p.m.

Strangely, all throughout the day on 14.04.2010 the complainant did not even report the matter to the police.

Assuming for the sake of arguments that the complainant had not ventured out of the house on account of fear, it cannot be digested as to what prevented him from reporting the matter to the police over the telephone when as per his own admitted case, he had telephonically intimated his friend Gurdeep Singh about the occurrence in question, who then took him to the hospital for treatment on the 14th April, 2010. Still further, as per the complainant himself, the accused had fled away after his neighbours namely Pal Singh, Umrao Singh and Gurjant Singh arrived at the spot. Hence, it does create a big question mark about the authenticity of the complainant's version that on account of fear he did not go to the hospital for his treatment nor did he report the matter soon after the occurrence in question. Besides this, as per the complainant, after receiving injuries at the hands of all the respondents, he was in a serious condition with blood oozing out from his body. He deposed that he threw the blood-stained clothes in the dustbin, however, his wife PW-5 Sukhwinder Kaur while stepping into the witness box, deposed to the contrary that the complainant had not received any such injury on his person from which blood was oozing out.

Still further, it is very strange that though the complainant allegedly received injuries on various parts of his body with lethal weapons like Gandasa, iron rod and Soti, however, all the injuries were found to be simple in nature.

Furthermore, a perusal of the deposition of the complainant and other witnesses reveals many material discrepancies which without a doubt, create a huge dent in the case of the prosecution.

As a sequel to the above, this Court does not find any merit in the instant revision petition and the same stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 31, 2023
rps

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