

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR-2442-2019 (O&M)
Date of Decision: 25th September, 2023

Gurdit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sarthak Jindal, Advocate for the petitioner

Ms. Navreet K. Barnala, AAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This revision petition was filed aggrieved of the acquittal of the accused-private respondents by the Appellate Court.

2. Brief facts of the case are that FIR was registered at the instance of Gurdit Singh. He stated that his father and uncles owned five Kanals and two Marlas in village Jand Sahib. His uncles Gamdoor Singh, Sukhmander Singh and Bhura Singh sold their shares to one Surjit Singh. An application was filed for partition of the land and there was civil dispute pending between the parties. It was alleged that on 20.7.2006, at 9:30 PM the complainant along with his nephew Darshan Singh while going to the tubewell in the fields were attacked by Sukhmander Singh armed with *Gandasi*, Lakhvir Singh armed with *Dang*, Sukhdev Singh armed with *Kassia*, Surjit Singh armed with *Dang*, Bachittar Singh armed with *Soti* near the house of Gurdev Singh. Bachittar Singh exhorted that let the possession of the land be delivered to Gurdit Singh. As per the allegations, Lakhvir Singh gave a *Dang*

blow on the back of the complainant, Sukhdev Singh gave *Kasia* blow

on right shoulder, Sukhmander Singh gave *Gandasi* blow which hit on right little finger. On gathering of the people, the accused fled away. The accused were convicted vide judgment dated 1.4.2017 and vide order of even date sentenced to undergo imprisonment as mentioned below :-

Convict Sukhmander Singh	
Under Section	Punishment
326 IPC	To undergo RI for 2 year and to pay fine of 2000/- and in default of payment of the fine to further undergo Simple imprisonment for a term of 1 month
323/149 IPC	To undergo SI 6 months
148 IPC	To undergo SI for 2 months
Convict Lakhvir Singh	
326/149 IPC	To undergo RI for 2 year and to pay fine of 2000/- and in default of payment of the fine to further undergo Simple imprisonment for a term of 1 month
323 IPC	To undergo SI 6 months
323/149 IPC	To undergo SI 6 months
148 IPC	To undergo SI 2 months
Convict Surjit Singh	
326/149 IPC	To undergo RI for 2 year and to pay fine of 2000/- and in default of payment of the fine to further undergo Simple imprisonment for a term of 1 month
323 IPC	To undergo SI 6 months
323/149 IPC	To undergo SI 6 months
148 IPC	To undergo SI 2 months
Convict Bachittar Singh	
326/149 IPC	To undergo RI for 2 year and to pay fine of 2000/- and in default of payment of the fine to further undergo Simple imprisonment for a term of 1 month
323 IPC	To undergo SI 6 months
323/149 IPC	To undergo SI 6 months

3. In appeal, respondents were acquitted on 1.7.2019, hence, the present petition.

4. Learned counsel for the petitioner submits that the appellate Court erred in acquitting the accused. Evidence was not appreciated in proper perspective. He further submits that deposition of PW-2 Darshan Singh and testimony of doctor proved the injuries.

5. Heard learned counsel for the parties and perused the pleadings.

6. The scope of interference in revision is limited. Supreme Court in *New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey*, 2020(1) Ori. Law Rev. 246 held as under:-

“8. The scope of the revisional jurisdiction of the High Court (or Sessions Court) under Section 397 Cr.P.C., 1973 is limited to the extent of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order passed by an inferior Court. The revisional Court is entitled to look into the regularity of any proceeding before an inferior Court. As reiterated by this Court in a number of cases, the purpose of this revisionsal power is to set right a patent defect or an error of jurisdiction or law.”

7. The contention raised by the petitioner lacks merit. There cannot be reappreciation of the evidence at this stage. The appellate Court took into consideration that civil dispute was pending between the parties. PW-2 was found to be an interested witness being nephew of the complainant. Complainant in cross-examination admitted to have sold the land to Surjit Singh after one and half year of occurrence. The allegations were found doubtful for the reasons that as per bed head ticket Ex. PW3/A the injuries were sustained by the complainant in an attack by an unknown person. Later the complainant named the accused

and attributed specific injuries to each of the accused and as such deliberation or tutoring cannot be ruled out. The investigating Officer SI Iqbal Singh in his cross-examination stated that he found the story of the complainant suspicious. He further admitted that cancellation report was prepared and that the DSP also found version to be false.

8. In absence of evidence worth reliance to prove that injuries sustained by the complainant were inflicted by the accused, the Appellate Court rightly acquitted the accused. It is settled law that the benefit of doubt if any has to be given to accused. Considering that the appellate Court had considered the facts, appreciated the evidence and came to a plausible conclusion.

9. No ground is made for interference in the impugned judgment.

10. The revision petition is dismissed.

11. Since the main case has been dismissed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

25th September, 2023
anuradha

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