

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 18.01.2023

CRR-2409-2022

Narender Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CRR-2410-2022

Narender Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikrant Attri, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

This order shall dispose of CRR Nos.2409 and 2410 of 2022 as both of them have arisen out of common judgment dated 29.01.2020. Brief facts of the case are taken from CRR No.2409 of 2022.

Instant revision petition has been preferred against the judgment dated 29.01.2020 passed by Appellate Court vide which the appeals preferred by accused Mohan Lal, Phool Kumar, Manish, Leelawati, and Sandhya were partly accepted and their conviction awarded under Section 326 r/w Section 149 IPC in FIR No.208 dated 31.10.2016 was set aside and the accused were ordered to be released on probation for a period

of one year on furnishing probation bonds. Accused Balram was, however, acquitted of all the charges framed against him.

Learned counsel for the petitioners has vehemently argued that learned Appellate Court failed to appreciate the evidence led before the trial Court in its correct perspective and thus, erred in acquitting the respondent-Balram of charge under Section 326 IPC even though cogent evidence had been led to show that the accused were armed with sharp edged weapon i.e. drant with which a grievous injury was inflicted on the person of petitioner No.3-Chanderma Devi by respondent No.2 Sandhya. Learned counsel submits that respondent Phool Kumar inflicted grievous injuries on the person of petitioner No.1 with iron rod. Therefore, they did not deserve to be released on probation and the ends of justice would be met, if they were awarded the maximum sentence of imprisonment as provided under law.

Heard learned counsel for the petitioners and perused the relevant material available on record.

This Court does not find any illegality much less perversity in the impugned judgment. A perusal of the impugned judgment reveals that the injury sustained on the finger of petitioner No.3 was not caused by any sharp edged weapon but by a blunt weapon and still further all the injuries as per the medico-legal report were lacerated wounds and not incised wounds. Therefore, the prosecution version stood belied from the medical evidence on record. Learned Appellate Court thus, rightly acquitted all the accused including both the respondents of the charges framed under Section 326 IPC. Furthermore, the Appellate Court after taking into account that

the petitioners and the respondents were immediate neighbours and ever since the occurrence dated 30.10.2016, they were not involved in any other criminal case rightly released them on parole. It needs to be added here that the petitioners have also been adequately compensated and still further, after the release of the respondent on probation, they have concededly maintained good conduct. Therefore, this Court finds no reason to interfere with the impugned judgment.

As a sequel to above, the present petition being devoid of any merit stands dismissed.

18.01.2023
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(MANJARI NEHRU KAUL)
JUDGE

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