

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-2932-2019(O&M)

Date of Decision:-30.11.2023

Sadhu Singh.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Arun Kumar Bakshi, Advocate,
Amicus Curiae for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

Mr. Munish Garg, Advocate for respondent nos.2 to 6.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner-complainant against the judgment dated 18.07.2019 passed by the Additional Sessions Judge, Barnala whereby the judgment of acquittal dated 09.06.2017 passed by Judicial Magistrate Ist Class, Barnala has been upheld.

3. The present FIR came to be registered at the instance of the petitioner/complainant Sadhu Singh who stated that the respondents/accused no.2 to 6 had assaulted him causing him grievous injuries.

4. Pursuant to the conclusion of the investigation and the consequent Trial, the accused came to be acquitted by the Court of Judicial Magistrate Ist Class, Barnala vide judgment dated 09.06.2017.

5. Thereafter the petitioner-complainant filed an appeal bearing CNR No.PBBR01-002062-2017. The said appeal came to be dismissed by

the Court of Additional Sessions Judge, Barnala vide Judgment dated 18.07.2019.

6. The aforementioned judgments are under challenge in the present revision petition.

7. The Amicus Curiae appearing for the petitioner contends that the judgments of acquittal passed the Trial Court and upheld by the lower Appellate Court were unsustainable. The medical evidence was totally in consonance with the ocular account. The petitioner had received grievous injuries having suffered a fracture of the lower end of his tibia. Minor discrepancies in the statements of the witnesses had been given undue weightage. Therefore, the impugned judgments were liable to be set aside and the respondents/accused no.2 to 6 were liable to be convicted for having committed the offences in question.

8. The Counsel for the State on the other hand contends that the offence stands established beyond shadow of reasonable doubt and, therefore, the judgments of acquittal were liable to be set aside.

9. The Counsel for the respondents/accused no.2 to 6 submits that the judgments of Trial Court as well as lower Appellate Court were well reasoned and thus no interference was warranted by this Court.

10. I have heard learned Counsel for the parties.

11. A perusal of the statement of PW-2 Karamjit Singh would show that he has not deposed with regard to any injury having been suffered by Sadhu Singh (petitioner/complainant). Karamjit Singh himself has stated that he had received the injuries in the occurrence. This fact has been denied by him in the cross examination. As regards the injuries suffered by PW-1 Sadhu Singh are concerned, he is stated to have received injuries on the right ankle joint and had a complaint of pain on the right side of the Pelvis and

lower back. The injury on the right ankle was declared as grievous by the doctor. However, Sadhu Singh deposed that he had received injuries on the right knee and right hip. Therefore, the medical evidence is certainly contrary to the ocular account. PW-4 Dr. Neel Kamal, Medical Officer has deposed that the possibility of the complainant suffering injuries by falling cannot be ruled out. The evidence of PW-4 Dr. Neel Kamal is to be read in conjunction with the statement of DW-1 Gurjant Singh being the neighbour of Sadhu Singh who stated that on the date of the occurrence Sadhu Singh had climbed on the cooler to go to the roof of his house when his foot slipped and he fell on the ground thereby receiving injuries. Therefore, the medical evidence also does not rule out the possibility of the injury being suffered as a result of a fall and one of the eye witness produced by the defence has deposed to that effect.

10. In view of the above, I find no reason to interfere with the well reasoned judgments of acquittal recorded by the Judicial Magistrate Ist Class, Yamuna Nagar at Barnala which has been upheld by Additional Sessions Judge, Barnala. Resultantly, the revision petition stands dismissed.

(JASJIT SINGH BEDI)

JUDGE

November 30, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>