

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.201

CRR No.3956 of 2018 (O&M)
Date of Decision : May 15, 2023

Bhupinder Singh and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pawan Attri, Advocate, for the petitioners.
Mr. Himmat Singh, Addl. A.G., Haryana.
Mr. Ashit Malik, Advocate, for the complainants.

SUDHIR MITTAL, J. (ORAL)

The petitioners are the accused in FIR No.94, dated 16.11.2011, registered at Police Station Dhand, under Sections 148, 149, 323, 324, 452, 326 IPC. Vide judgment of conviction dated 26.10.2015, they were convicted for all the offences. Appeal against conviction is pending.

2. Against the complainants of the aforementioned case, the petitioners had got registered FIR No.100, dated 26.11.2011 at Police Station Dhand, under Sections 148, 149, 323, 325 IPC. Vide a separate order dated 26.10.2015, they were acquitted.

3. In the pending appeal against conviction, an application under Section 391 Cr.P.C. has been filed by the petitioners but the same has been dismissed vide order dated 14.11.2018. The present revision is directed against the said order.

4. The aforementioned application was filed on the ground that FIR No.100, dated 26.11.2011 was a cross case in the FIR registered against the petitioners and in the said case PW-4 and PW-5 had proved the injuries

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inflicted on them. This would show that injuries were inflicted upon the complainant side in self-defence as they were the aggressors. Conviction was accordingly bad in law. It was essential to examine the aforementioned witnesses in the present case also.

5. The application has been dismissed on the ground of FIR No.100, dated 26.11.2011 not being a cross case. The place of occurrence was different. Moreover, a perusal of the evidence on record revealed that self-defence had not been set up as a ground of defence.

6. Judgments dated 26.10.2015 in case FIR No.94, dated 16.11.2011 as well as case FIR No.100, dated 26.11.2011 are on record. A perusal thereof shows that the findings aforementioned do not suffer from any infirmity. Learned counsel for the petitioners has also not been able to point out any defect therein. He has only reiterated the grounds contained in the application filed under Section 391 Cr.P.C. Thus, no interference is called for.

7. The petition has no merit and is dismissed.

8. Pending miscellaneous application, if any, also stand disposed of.

May 15, 2023*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No