



CRM-A-138-MA-2017
DECIDED ON: 29.07.2024

.....APPLICANT/APPELLANT

BABNEET SINGH AND OTHERS

.....RESPONDENTS

Present: Mr. Amandeep Singh, Advocate
for the applicant/appellant.

Mr. Sahil Vashisht, Advocate
for respondent No.1.

Mr. Mohit Vashisht, Advocate
for respondent No.2.

Mr. J.S. Rattu, DAG Punjab.

SANDEEP MOUDGIL. J.

1. The present application under Section 378(4) Cr.P.C. has been preferred for the grant of special leave to appeal against the judgment of acquittal dated 14.10.2016 passed by Additional Sessions Judge, Ludhiana whereby, respondents No.1 and 2 were acquitted of the charges levelled against them.

2. It has been contended by learned counsel for the applicant/appellant that the trial Court has ignored the complainant's testimony, which the prosecution's witnesses fully supported. Additionally,

CRM-A-138-MA-2017 (O&M)

the trial court overlooked the fact that the medical version of the case had adequately supported the prosecution's ocular version. Furthermore, the conviction might be based on the approver's word as long as it is properly supported by additional evidence. Another argument is that the prosecution has adequately justified the ten-month delay in filing the case by stating that a Special Investigation Team was established following the filing of the FIR, and following a comprehensive investigation, evidence was gathered and Section 182 Cr.P.C. proceedings were started.

3. Learned State counsel as well as counsel for respondents No.1 and 2 have supported the impugned judgment.

4. Heard.

5. From the record, it reveals that two conflicting cases i.e. FIR No. 229, dated 21.09.2010, under Sections 307, 427, 148, 149 IPC and Section 25 of Arms Act, 1959 was registered against respondents No.1 and 2 including the present complainant Harjit Singh and a cross version through DDR No.32, dated 21.09.2010, under Sections 307, 427, 148, 149, 120-B IPC and 25 of Arms Act, was registered against Manjit Singh Jawadi and others. Both the cases were registered at Sarabha Nagar Police Station. It is also evident that Harjit Singh complainant against whom FIR No. 229, dated 21.09.2010 had been registered has turned approver.

6. It is also clear that HC Sukhwinder Singh has adequately proven the earlier statement made by Harjit Singh, stating unequivocally that ASI Gurdial Singh made the statement in his presence. Furthermore, Harjit Singh recognised ASI Gurdial Singh's handwriting in the statement Ex.DX, in which he blamed Raj Singh and Yadwinder Singh for the injuries he sustained. The complaint made by the complainant on 19.07.2011 is after 10

CRM-A-138-MA-2017 (O&M)

case filed against Manjit Singh Jawadi and others, as well as the FIR No. 229/2010 filed against him and others qua the injuries on his person as well as on the person of Bavneet Singh @ Micky. If the accused's account and the injuries he sustained were self-inflicted, he should have reported the matter to the higher authorities right away rather than waiting for ten months to have the case recorded, which casts doubt on the complainant's version. The statement made by Harjit Singh before the Illaqa Magistrate under Section 164 Cr.P.C. served as the basis for the prosecution's case, however it has not been recorded. The complainant's claim that accused Amandeep Singh was responsible for the damage to his body is extremely untrustworthy because he had his statement, Ex.DX, recorded in front of ASI Gurdial Singh, wherein, he had attributed the injuries to Harry, Yadwinder Singh and Raj Singh. Moreover, there is neither medical nor oral evidence is on record to prove that the injuries on the person of the complainant were indeed inflicted by respondent No.2.

7. According to the MLRs, injured Bavneet Singh and Harjit Singh were admitted to the hospital at approximately 7:15 p.m., with injuries likely lasting four hours. The incident that led to FIR No. 229 happened after 2:00 PM. Therefore, it may be concluded that the injuries sustained in this case were most likely brought on by the same incident.

8. According to Hardev Singh-DW-1, there was not a single instance of fire in his lands during the month of September 2010. DDR No. 32, dated 21.09.2010, was recorded on the basis of a complaint Ex.DY that the accused made against Manjit Singh Jawadi and others, which was later cancelled. The complaint was proven to be true on record regarding the incident that occurred on that date. Therefore, it cannot be claimed that

respondent No. 1 gave false information to the police and received registered

CRM-A-138-MA-2017 (O&M)

DDR No. 32, dated 21.09.2010, nor that the accused purposefully provided false information to secure the conviction of Manjit Singh Jawadi and others, given that the complaint is still pending and that Harjit Singh's testimony was found to be untrustworthy.

9. In view of the discussions made hereinabove, this Court does not find any ambiguity or perversity in the impugned judgment of acquittal 14.10.2016 passed by Additional Sessions Judge, Ludhiana. Hence, the same is upheld.

10. Pending criminal misc. application, if any, shall disposed off.

29.07. 2024

sham

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No