



104 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-512-2002 (O&M)
Date of decision: 03.05.2024

Chhinda alias Mindi

....Petitioner

Versus

Sulakhan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

None for the respondents.

HARPREET SINGH BRAR, J.

1. The present revision petition is preferred against judgment of acquittal dated 06.11.2001 passed by the learned Additional Sessions Judge, Gurdaspur in a complaint filed by the petitioner bearing Sessions Case No.15 of 12.06.1998 filed under Section 450, 325, 323, 506 IPC.

2. Briefly, the facts are that the on 16.03.1996, at about 6 P.M., the petitioner-complainant was present in his house when Sulkhan Singh armed with *dang*, Dalbir Singh armed with *takua* and Mohinder Kaur alias Mohindo, barged into his courtyards. Under the influence of alcohol, Sulakhan Singh raised a lalkara purporting to teach a lesson to the petitioner for quarreling with him in the morning. Thereafter, Sulkhan Singh gave *dang* blow on the chest of the petitioner while Dalbir Singh gave a *gandasi* blow on the back of his chest. Angrez Singh also gave a *takua* blow on the back of the petitioner. The wife of the petitioner tried to intervene but was dragged by her hair by Mohinder Kaur.

Hearing the commotion, Nazir Singh and Gurpal Singh came to the spot and the



petitioner was taken to Civil Hospital, Batala. The petitioner was kept at the police station all night and the next day, and was only allowed to leave on the intervention of the elders. The instant case is a cross version of the FIR bearing No. 71 dated 18.03.1996 registered under 307, 325, 324, 323 read with 34 IPC at Police Station Sadar Batala.

3. There is no representation on behalf of the parties, in spite of the case being called twice. As such, this Court is left with no other option but to proceed to decide the case on merits.

4. Having perused the record, it transpires that the ocular version presented by the prosecution regarding the injuries suffered is not corroborated by any medical evidence. While the injury suffered by the petitioner on his left leg was declared grievous, neither the x-ray report nor the skiagram was placed on record to substantiate the same. Moreover, the incident allegedly occurred on 16.03.1996, but the petitioner only visited the hospital on 18.03.1996 and no reason is forthcoming from the side of the prosecution to explain the delay in getting him medically examined.

5. The petitioner, along with his three bothers, had inflicted injuries on Angrez Singh and Mohinder Kaur. The testimony of DW1- Dr. Gurpal Singh indicates that both Angrez Singh and Mohinder Kaur sustained grievous injuries. As such, the circumstances indicate that the incident did not occur as narrated by the petitioner and the present complaint is registered as a counterblast to the FIR registered by Angrez Singh.

6. Furthermore, the power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points



towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (See **H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415**). A Division bench of this Court in the judgment passed in **State of Haryana vs. Ankit and others** passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

7. In view of the discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference. Accordingly, the present revision petition is dismissed, being bereft of any merit.

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

(HARPREET SINGH BRAR)
JUDGE

03.05.2024
Neha

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