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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(247)

CRR-253-2016 (O&M)
Date of Decision: 31.07.2024

Sohan Lal
... Petitioner
Versus
Sonu @ Surinder and anr.
...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ankit Sharma, Advocate for
Mr. M.K. Dhot, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana,
for respondent No.2.

JASJIT SINGH BEDI, J.

CRM-2146-2016

This is an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. seeking condonation of delay of 51 days in filing the present revision petition.

For the reasons mentioned in the application, same is allowed. The delay of 51 days in filing the present revision petition is condoned.

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The present revision petition has been filed impugning the judgment dated 24.08.2015 passed by the Additional Sessions Judge, Kurukshetra whereby



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the judgment of acquittal dated 18.08.2010 passed by the Judicial Magistrate Ist Class has been upheld.

2. The brief facts of the case are that on 27.4.2003, a V.T. was received from Police Post IIIrd Gate, Kurukshetra regarding the admission of injured Sohan Lal. On this, S.I. Karam Singh along with H.C. Devi Parsan took the doctor's rukka and MLR from the Police Post and reached at Civil Hospital in Emergency Ward where the treatment of the injured was going on. The opinion of doctor was sought. The doctor declared the injured to be unfit to make a statement. The statement of injured Sohan Lal was recorded to the effect that on 26.4.2003, at about 8.00 P.M., he was going to perform his duty in the hospital. When he reached near Radha Kishan Hospital, Thanesar on the road, Sonu @ Surinder son of Kali Ram, resident of Pipli came from the front side, who was having an iron knife in his right hand and gave a knife blow on him. He saved himself with his hands, which hit him in between the stomach and chest. The accused Sonu gave a second knife blow on his stomach. He raised a hue and cry "Bachao-Bachao". In the meanwhile, Surinder, who was working with him in the hospital and his brother Sandeep rushed to the spot. On seeing them, Sonu fled away from the spot. Jitender and Sandeep had seen the occurrence at the spot. On 21.4.2003, he and parents & Mina Rani sister of Sonu, who are their relatives had gathered in the marriage of the daughter of his uncle at village Bapda. Kali Ram. Father of Sonu had a suspicion that he had misbehaved with his daughter Mina Rani. Due to this grudge, Sonu inflicted injuries upon him. During the



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occurrence, he also suffered simple injuries on his left hand. Thereafter, he was admitted in the hospital for treatment. Legal action was sought.

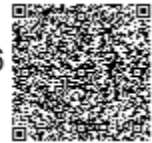
3. On conclusion of the Trial, the accused-respondent/Sonu @ Surinder came to be acquitted by the Court of the Judicial Magistrate Ist Class, Kurukshetra vide judgment dated 18.08.2010. The finding of the Trial Court is as under:-

15. In view of above stated reasons, case property not produced before the Court, non-examination of independent witness, non-examination of investigating officer, failure to produce the X-Ray report, surgical opinion and treatment record and other material discrepancies on record, this court hereby extended the benefit of doubt to the accused. Hereby, the accused Sonu is acquitted of the charges levelled against him. His bail/surety bonds stand discharged. Case property, if any be disposed of as per rules after the expiry of period of appeal or revision. File be consigned to records after due compliance.

4. The petitioner-complainant preferred an appeal before the Court of Additional Sessions Judge, Kurukshetra which came to be dismissed vide judgment dated 24.08.2015.

5. The aforementioned judgments are under challenge in the present petition.

6. The learned counsel for the petitioner-complainant contends that the judgments of acquittal are based on conjecture and surmises and without proper appreciation of the evidence on record. The medical evidence was totally in consonance with the ocular account. It had come on record that the petitioner



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had suffered injuries in the occurrence attracting Section 326 IPC. Minor discrepancies had been given undue weightage. He, thus, contends that the impugned judgments were liable to be set aside.

7. The learned counsel for the State, on the other hand, contends that there was sufficient material on record in order to convict the accused. Therefore, the impugned judgments were liable to be set aside.

8. I have heard the learned counsel for the parties.

9. In the instant case, the complainant-Sohan Lal has not disclosed certain material facts during the course of investigation and the Trial. One Sanjeev was not named as an accused during investigation but his name finds mention later at the time when the statement of the complainant was recorded in the Court. However, no attempt was made to summon him as an additional accused. The motive has also not been disclosed in the FIR but has come up later during the course of investigation and Trial. Therefore, the prosecution has suppressed the true genesis of the occurrence. Jatinder, an eye-witness who is stated to have reached at the spot has not been examined as prosecution witness. Similarly, Dharam Singh, SI has also not been examined during the course of the Trial. Thus, material prejudice has been caused to the accused and has resulted into him being deprived of an opportunity to cross-examine the material witnesses. Sandeep (PW-3), the real brother of the complainant-petitioner is stated to have been present at the spot but for some strange reasons has not accompanied the injured to the hospital and his name does not find mention in

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the Column of accompanied persons. This fact also makes the prosecution case doubtful.

10. In view of the aforementioned discussion, I find no reason to interfere with the well reasoned judgments of the Trial Court dated 18.08.2010 and the Lower Appellate Court dated 24.08.2015. Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

July 31, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No