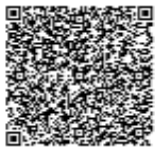


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

Date of decision : 06.05.2024

1.

CRR-2212-2017

Sukhwinder Singh Bal and another

..... Petitioners
- versus
- State of Punjab and another

..... Respondents
2.

CRR-3251-2017

State of Punjab

..... Petitioner
- versus
- Sukhwinder Singh Bal and another

..... Respondents
3.

CRR-2264-2017

Raghubir Singh Bal

..... Petitioner
- versus
- State of Punjab and another

..... Respondents

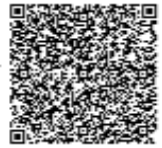
CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate
for the petitioners in CRR-2212-2017
and for the respondent in CRR-3251-2017
and CRR-2264-2017.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Vaibhav Narang, Advocate and
Mr. Devansh Khanna, Advocate
for respondent No.2.

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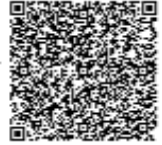
**PANKAJ JAIN, J. (Oral)**

1. These three revision petitions are directed against common judgment of conviction dated 19.04.2017 passed by Additional Sessions Judge, Amritsar. The petitioners were tried in FIR No.1 dated 01.01.1998, registered for the offences punishable under Sections 382/332/353/186/323/160/171/34/279 of IPC at Police Station Civil Lines, Amritsar and earned acquittal from the Trial Court vide judgment dated 06.07.2013 passed by CJM, Amritsar.

2. In appeal preferred by State as well as by the complainant, the Appellate Court reversed the findings recorded by the Trial Court and found the petitioners guilty of offences punishable under Sections 332/186/323/279 of IPC read with Section 34/5/61 of the Police Act. The petitioner-Gurnam Singh was held guilty for offence punishable under Section 279 of IPC only. The petitioners were ordered to be released on probation on their existing probation bonds in the sum of Rs.10,000/- with one surety in the like amount each for a period of six months with the undertaking that they would maintain peace and keep good conduct during the period of probation and would appear in the Court as and when called by the Court. They were further burdened with Rs.2000/- each as cost of proceedings.

3. As per the story of the prosecution that on the intervening night of 31.12.1997 and 01.01.1998, people gathered at Lawrence Road, New Novelty Chowk, Amritsar to celebrate new year. Keeping in view large gathering, there was deployment of police to avoid any untoward incident. As a presumptive measure, no vehicle was allowed to come to

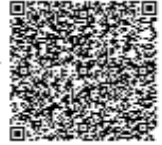
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the side of Novelty Chowk. At about 12.15 a.m., one Maruti car came from the side of Sessions chowk and entered into the crowd. Some persons from the crowd including some of the police employees fell down. Head constable Jujhar Singh and Constable Gurdev Singh fell down having been hit by the car. When the car was signaled to stop by ASI Harpal Singh, two wrestlers type persons came out of the car and started proclaiming themselves to be SSP and questioned the authority of the police officials to stop them. On being confronted by the police personnel, they initiated scuffle with ASI Harpal Singh and also pushed Balbir Singh, SHO of the Police Station, Civil Lines, Amritsar in a drunkard condition. They snatched the assault riffle of Constable Arjan Kumar. In this process magazine of the assault riffle fell down. Accused persons started beating people as well as police officials with the butt of the riffle. Finding situation hard to handle, police had to resort to lathi charge. Both of the them were apprehended with great difficulty. The police later on found that the accused persons were R.S. Bal s/o Channan Singh and Sukhwinder Singh. After investigation, police report was filed under Section 173(2) Cr.P.C. Petitioners were tried. Trial Court acquitted them holding that though the injuries suffered by the police personnel have been proved on record, but the statements of the witnesses of the occurrence being inconsistent, unsupported and inherent in contributory. Prosecution failed to prove the case against the petitioners.

4. Appellate Court reversed the findings holding that the Trial Court failed to appreciate the evidence on record properly. There was

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no reason to discard statement of PW-31 Dr. Randhir Singh, who was summoned by resorting to Section 311 of the Cr.P.C. and was a Court witness. The Appellate Court further found that the Trial Court also ignored chemical examiner report as well as opinion of the doctor which proved that the accused were in drunkard condition. Appellate Court discussed statement of each and every witnesses and found that the opinion formulated by the Trial Court was highly improbable and thus held the accused guilty.

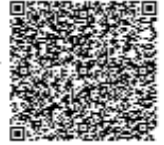
5. Learned Senior counsel appearing for the petitioners has tried to persuade this Court to re-appreciate whole of the evidence and has contended that a well reasoned judgment passed by the Trial Court stands reversed wrongly.

6. *Per contra*, counsel for the State however submits that from the record, it is evident that the petitioners not only created ruckus but tried to mow down the crowd gathered to celebrate new year day on the fateful night. On being asked to stop, the accused persons were not only denied, but also scuffled with the police personnel, snatched arms from them and caused injuries with the butt of the assault rifle snatched from the police personnel.

8. I have heard counsel for the parties and have carefully gone through the records of the case.

9. The prosecution in its evidence has fully proved the deployment and the presence of the injured witnesses on the spot by producing official orders. The defence pleaded by the accused also proves that the occurrence is not denied. Both the parties have their own

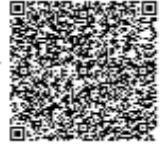
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version. Trial Court while analyzing the evidence on record has tried to colour the version of each and every witness to sue the accused. While analyzing the statement made by PW-4 Raman Kumar, the Trial Court wrongly holds that he has given a version different to one of prosecution. The contradictions being pointed out are in fact not existing. When PW-4 Raman Kumar stated that it was Sukhwinder Singh who took off the turban of the civil dressed DIG, his version was not different from that of prosecution. As per which, it has been claimed that Sukhwinder Singh Bal gave fist blow to PW-29 Sukhdial Singh Bullar resulting in falling of his turban. The Trial Court thus tried to make out a case in favour of the accused which was not even in existence from the records. Appellate Court thus rightly re-appreciated the evidence which is indeed the scope of appeal and found the petitioners guilty after analyzing whole of the evidence. All the witnesses were uniform in their version with respect to the occurrence on the fateful night. The injuries on the person of the police officials have been duly proved vide Ex. PW-11/A, PW-11/B and PW-11/C. Dr. Ratanjit Singh who examined the police personnel appeared as PW-11 and proved all the injuries. Thus, this Court does not find any reason to interfere in the revisional jurisdiction to upset the findings recorded by the Appellate Court which is not only more plausible than the view formulated by the Trial Court, but is the only possible view that could have been formulated from the analyses of the evidence on record.

10. The scope of the revision is limited as held by Supreme Court in ***Bindeshwari Prasad Singh @ B.P. Singh and others vs. State***

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of Bihar (Now Jharkhand) and another, 2002 AIR (SC) 2907,

observing as under:-

“12. We have carefully considered the material on record and we are satisfied that the High Court was not justified in re-appreciating the evidence on record and coming to a different conclusion in a revision preferred by the informant under Section 401 of the Code of Criminal Procedure. Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid sub-section, which places a limitation on the powers of the revisional court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a re-trial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but

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decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party. (See AIR 1951 Supreme Court 196 : D. Stephens v. Nosibolla; AIR 1962 Supreme Court 1788 : K.C. Reddy v. State of Andhra Pradesh; (1973) 2 SCC 583 : Akalu Ahir and others v. Ramdeo Ram; AIR 1975 Supreme Court 1854 : Patakalapati Narayana Gajapathi Raju and others v. Bonapalli Peda Appadu and another and AIR 1968 Supreme Court 707 : Mahendra Pratap Singh v. Sarju Singh).”

11. Since senior counsel for the petitioners has not been able to point out any glaring error of law in the judgment passed by the Appellate Court, this Court does not find any reason to interfere while exercising revisional jurisdiction under Section 401 of IPC. Consequently, all the three revision petitions are hereby ordered to be dismissed.

12. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

06.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No