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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRR No.2641-2018

Date of Decision:-02.02.2024

HARDEEP LAL

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J.(ORAL)

1. By way of the present revision petition, petitioner has challenged the impugned judgment dated 07.05.2018 passed by learned Sessions Judge, Jalandhar, whereby the judgment and order dated 28.08.2017 passed by learned Judicial Magistrate First Class, Jalandhar convicting the respondents No.2 to 5 for offences under Sections 323, 324, 34 IPC for a period of one year along with fine has been upheld and also dismissed the appeal filed by the petitioner for enhancement of the sentence of accused respondents No.2 to 5 and also dismissed the appeal filed against the respondents No.5 to 8, who have been acquitted by the learned trial Court.

2. Brief facts of the case are that on 27.04.2011, at about 5:00 PM



petitioner was present in the village where construction of a public street was going on at that time, number of persons were present including Gurcharan Dass, Sarpanch alongwith other panchayat members and at that time, accused Ram Murti, Balwinder Kaur, Rajesh Kumar, Ajay Kumar, Mohan Lal, Balkar Chand were also present there and all of them were creating obstacles regarding the construction of the public street. Respondent No.2 Ram Murti who was armed with datar, gave a blow to the petitioner/complainant which hit on the left hand and respondent No.3 Balwinder Kaur gave a brick bat blow which hit on the head of Sheela, petitioner went inside the house but respondents No.3-Rajesh Kumar and No.4-Ajay Kumar armed with sotas injured the petitioner/complainant and the other accused were also present there along with weapons. On raising hue and cry, people gathered at the spot and all the accused fled away. Accordingly, FIR No. 55 dated 04.05.2011 was registered under Section 452, 323, 324, 148, 149 IPC at Police Station Kartarpur, District Jalandhar. After completion of investigation, challan was presented in Court and charges were framed. The learned trial Court, after hearing both the parties, vide impugned judgment dated 28.08.2017 convicted respondent No.2 to 5 only for offence under Section 323, 324, 34 IPC and sentenced them rigorous imprisonment for a period of one year along with fine and acquitted Mohan Lal, Balkar Chand and Som Lal.

3. Feeling aggrieved, the petitioner filed an appeal against the aforesaid judgment of conviction and order of sentence, however, the learned Sessions Judge, Jalandhar vide judgment dated 07.05.2018, dismissed the same. Hence this revision petition.



4. It is *inter alia* contended by learned counsel for the petitioner that the learned trial Court as well as Appellate Court failed to consider the evidence which was brought on record by the prosecution and wrongly acquitted the respondents under Section 452 IPC. He further contends that learned Courts below have wrongly and illegally awarded less sentence and hence both the impugned judgments are liable to be set aside.

5. *Per contra*, learned counsel for the State has assailed these arguments by submitting that the trial Court as well as the Appellate Court has not erred in law while passing the impugned judgments and the same are based on correct appreciation of the facts and do not require any interference, hence prays for dismissal of the petition.

6. I have heard learned counsel for the parties and perused the material on record.

7. The main contention of the learned counsel for the petitioner is that the learned Courts below have failed to appreciate the fact that the offence under Section 452 IPC had been proved on record and the learned Courts below did not apply their judicious mind and wrongly acquitted the respondents for the offence punishable under Section 452 IPC. However, a perusal of both the judgments would reveal that the trial Court as well as the Appellate Court had duly recorded their observations, finding that offence under Section 452 IPC was not made out. It was rightly recorded that the prosecution had miserably failed to prove its charge under Section 452 IPC. Further perusal of the impugned judgments would reveal that all the aspects raised by learned defence counsel had been duly considered while appreciating the evidence brought on record by the prosecution and the

defence.

8. Therefore, considering the above facts and circumstances, no infirmity or illegality in the impugned judgments could be noticed which would call for any interference by this Court. The judgments are found to be well reasoned, based on correct appreciation of the evidence, as such require no interference.

9. Resultantly, finding no merit in the present petition, the same is hereby dismissed.

(SANJIV BERRY)
JUDGE

02.02.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No