

**Date of decision: 27.03.2025**

**CRR-703-2019**

**...PETITIONER**

## STATE OF HARYANA AND OTHERS

## ...RESPONDENTS

**CRR-3829-2018**

...PETITIONER

## STATE OF HARYANA AND OTHERS

## ...RESPONDENTS

Present: Mr. S.S. Mor, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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1. This order of mine shall dispose of both the above-mentioned revision petitions as both are arising from the same FIR. For the sake of brevity, facts are borrowed from ***CRR-703-2019*** titled as ***Uday Singh alias Udaa vs. State of Haryana and others.***

2. The present revision petitions have been filed against the impugned judgment dated 27.08.2018 passed by learned Sessions Judge, Bhiwani, whereby judgment of conviction dated 28.03.2016 and order of sentence dated 29.03.2016 passed by learned Judicial Magistrate Ist Class, Bhiwani have been set aside and private respondents in both cases have been



acquitted.

3. Brief facts of the present case are that on 21.08.2011 at about 4:00 PM, when the complainant reached near the house of one Kuldeep, private respondents along with other accused armed with iron rod, *pharsa* and iron punch, arrived at the spot and gave injuries on various parts of his body. The complainant raised alarm causing his brother, namely, Bir Singh to come there. He tried to save him but private respondents gave him injuries as well. The incident was caused due to a dispute between the parties for tube-well connection and distribution of its parts. Hence, the FIR (*supra*) was registered.

4. Mr. D.P.S. Bajwa, Advocate has put in appearance on behalf of the private respondents and filed his respective *vakalatnamas* in both the cases, which are taken on record. Registry is directed to tag the same at the appropriate place.

5. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that challan was only filed against Ramphal, who died before conclusion of trial and proceedings against him were dropped. Further, the MLRs of accused Kuldeep and Mayapati i.e. Ex.DB and Ex.DA respectively have been duly proved on record by PW-4 Dr. Kulwant Phogat. In the present case, the accused have taken a specific stand that they had caused injuries to the petitioner and his brother in self-defence. In fact, Kuldeep son of Ramphal and Mayapati, wife of Ramphal had also suffered injuries in the alleged incident. The learned Court below has correctly observed that the prosecution has failed to prove the genesis of the occurrence, in the alleged incident. As such, only vague allegations have been levelled against the private respondents, which



the prosecution has not been able to prove its case beyond the reasonable doubt.

6. 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 *State of Haryana vs. Ankit and others* passed in 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. However, the plight of the petitioner-complainant and the injured as well as the loss suffered by them cannot be overlooked. Significantly, the injured and complainant had suffered injuries substantial enough to attract offence punishable under Section 324 of IPC. Therefore, this Court deems it expedient to direct the accused/private respondents to pay total compensation of Rs.20,000/- i.e. Rs.10,000/- to petitioner-Uday Singh and Rs.10,000/- to injured-Bir Singh, within one month from obtaining a certified copy of this order. While compensation can never fully redress the suffering endured by the complainant and injured, it is a step toward acknowledging the hardship faced by them, with an aim to meaningfully contribute towards their rehabilitation.



8. In view of the discussion above, this Court finds that learned counsel for the petitioner(s) has failed to point out any perversity or illegality in findings recorded by the learned lower Appellate Court, which warrants any interference. Accordingly, both the revision petitions are hereby dismissed.
9. A photocopy of this order be placed on the file of other connected case.

March 27, 2025  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

- |      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |