



**226-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-AS-12-2025

Date of decision: 28.03.2025

NIRMAL SINGH ATWAL

...APPELLANT

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Athwal, Advocate for the appellant.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present appeal is preferred against the judgment of acquittal dated 17.08.2011 passed by learned Additional Sessions Judge, Jalandhar, whereby, judgment of conviction and order of sentence dated 24.02.2010 passed by learned Judicial Magistrate Ist Class, Jalandhar has been partly allowed and respondent Nos.2 and 3 have been acquitted, in a case bearing FIR No.334 dated 24.06.2000 registered under Sections 326/324/323/506/427/34 of IPC at Police Station Lambra, Jalandhar.

2. Brief facts of the present case are that on 24.06.2000, complainant Pal Singh (now deceased) got recorded his statement to the effect that he along with his wife was coming to their village Chitti, in his car. At about 8:30 AM, when they reached near Lambra, Binder Singh @ Karion, Manjit Singh @ Jitti (respondent No.2 herein) both armed with *kirpan*, Makhan Singh (respondent No.3 herein) armed with *datar* and Sucha Singh empty handed came in their tractor and stopped their passage and gave beatings to the complainant on various parts of his body. When complainant



and his wife raised noise, two persons, namely, Harbans Singh and Sewa Ram came at the place of occurrence and the accused persons fled away from the spot. Hence, the FIR (*supra*) was registered.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that FIR (*supra*) was registered after a delay of two days and in the present case, grievous injury was caused on the person of PW-4 Pal Singh (complainant) and they reached at the hospital in night. While being hospitalized, neither the police came in the night nor had they informed any of their relative and wife of the complainant did not make any statement to the police and she was not present in the hospital. Furthermore, there is a civil litigation pending between the parties regarding ownership and possession of a plot bearing *khasra* No.467. Further, As per the opinion of doctor, the possibility of the injuries being self-suffered cannot be ruled out. As a result, the evidence led by the appellant do not inspire confidence of this Court.

4. 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. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (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 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.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present appeal and hence, the present appeal stands dismissed.

March 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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