



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-D-235-DBA of 2004 (O&M)

Date of Decision:14.11.2025

State of Punjab

.....Petitioner

Versus

Lal Singh and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present:- Mr. S.S. Gill, Addl. A.G. Punjab, for the appellant-State.

ASHWANI KUMAR MISHRA J.(Oral)

1. This appeal has been filed by the State of Punjab challenging the judgment and order dated 11.07.2003, passed by the Sub Divisional Judicial Magistrate, Gidderbaha, whereby the accused-respondents have been acquitted of the charges levelled against them for the commission of offences under Sections 326/34 of the IPC in FIR No.147 dated 14.12.1999.

2. Undisputed facts of the case are that on 13.12.1999, an incident occurred at about 6.00 p.m., in respect of which the FIR came to be lodged almost after a day, on 14.12.1999, at about 4.30 p.m. The information with regard to the incident was furnished by Gurtej Singh son of Pyara Singh, who was also the injured in the present case. The FIR was originally lodged under Sections 324/34 of IPC. According to the statement furnished by the injured, while he was returning home at about



6.00 p.m. on the previous evening along with his brother Chet Singh, after grazing their sheep and goats in the fields of Kothe Bhai, they encountered the accused persons at the gate of the grain market. The two accused, who were riding a scooter, asked the informant to move aside from the road. . The informant stated that all the cattle were on the left side of the road, but some altercation took place. Thereafter, when the informant reached near the place of occurrence, i.e., near the factory, they found that the accused persons were standing armed with a “*Gandasa*” and a “*Dang*”. In order to teach the informant a lesson, accused Sukhdev Singh gave a blow with the *Gandasa* on his forehead, whereas the other accused, Lal Singh, gave a blow with *dang* on his left leg. On hearing his screams, the informant’s brother Chet Singh rescued him. The accused then fled from the spot. Thereafter, the brother of the informant, Chet Singh, took the injured to the hospital where he was examined by the doctors. The injured was taken to the hospital, where he was examined on 13.12.1999 at about 7.20 p.m. Apart from an incised wound of 3.0 cm × 1.0 cm was found on the left side of the forehead while an abrasion was found on the left leg. The MLR has been duly proved by the prosecution during the course of the trial, but the trial Court, on conclusion of evidence brought on record, has come to the conclusion that the prosecution has failed to establish its case beyond reasonable doubt and has failed to prove the charges under Sections 326/34 IPC against the accused persons, primarily on account of the following grounds:—

- (i) Though the incident occurred on 13.12.1999 at about 6.00 p.m. and the injured was also examined after about an hour, yet the FIR was lodged after nearly a day. This delay of nearly 22 hours in lodging the FIR has not been explained.



(ii) The prosecution case has been doubted on account of the fact that there was dense fog in the area and the accused persons were otherwise not known to the informant from prior in point of time. The identity of the accused, therefore, was found doubtful.

(iii) The Trial Court has taken note of the statement of PW3 Chet Singh, who is the sole eye-witness of the incident. PW3, in his examination-in-chief, although supported the prosecution case, but during cross-examination he admitted that he was not present at the time of the incident and came to the spot later on. He has not supported the prosecution case during the cross-examination. This witness has clearly stated that the police came to the hospital on the night of 13th itself, but the statement of the injured was not recorded as they wanted to consult the police first. The Trial Court has therefore observed that the possibility of consultation and deliberation forming the basis of the prosecution case for implicating the accused cannot be ruled out.

(iv) The Trial Court has also taken note of the inherent contradiction in the statement of the injured, wherein he has alleged that a number of persons were present nearby, yet none of them was produced by the prosecution. The injured further stated that his statement was not given to the police on the date of the incident as they wanted to obtain guidance from the police persons.

(v) The Trial Court has also taken note of the fact that although the injured stated that he was wearing a kurta-pyjama which got soaked with blood on account of the injuries caused to him, none of those clothes were produced. It is also the case of the injured that his *safa* had bloodstains and the same was taken by the police, yet such material was not produced during the course of the trial. The investigation



was otherwise found to be shoddy and lacking, as bloodstains, etc., were not collected from the place of occurrence.

3. The Trial Court has also taken note of the defence of the accused under Section 313 of the Cr.P.C., wherein they stated that they had been falsely implicated due to animosity with the local Sarpanch. In the testimony of both witnesses, i.e., PW3 (brother of the injured) and PW2 (the injured himself), reference has been made to the Sarpanch, who had made the telephonic call to inform the police.

4. Upon evaluation of the evidence on record, the Trial Court has come to the conclusion that the prosecution has failed to establish its case beyond reasonable doubt.

5. We have been taken through the judgment of acquittal as well as the lower Court record by the State counsel to submit that the conclusion drawn by the trial Court for acquitting the accused is perverse. However, having analyzed the material on record, we find that the view taken by the trial Court is clearly a permissible view in light of the evidence which has surfaced on record. Just because a different view could be taken in a matter would hardly be a ground for this Court to interfere in the judgment of acquittal in light of the settled legal position. Accordingly, the appeal is dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

14.11.2025

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No