

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D-428-DBA-2004 (O&M)

Date of Reserve: 06.11.2025

Date of Pronouncement: 02.12.2025.

State of Haryana

...Appellant.

Versus

Ranjha Singh and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Argued by: Mr. Rajiv Sidhu, Sr. DAG, Haryana;
Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Arun Kumar Goyat, Advocate
for respondent No.3, 5, 7, 9.

Appeal abated qua respondents No.1, 2, 4, 6 and 8
vide order dated 23.09.2025.

Sukhvinder Kaur, J.

1. The appellant-State has preferred the instant appeal against judgment dated 13.09.2003, passed by learned Additional Sessions Judge, Fatehabad, vide which respondents-accused have been acquitted.

2. Factual Scenario, as per the prosecution version is that on 25.06.1994 at 12.05 P.M., a police party consisting of ASI Balwan Singh (PW14) recorded the statement of injured Inder Singh (PW7), who stated that about 8-10 years ago he had purchased four killas of land from Chandi, brother of Lachhman, 1 ½ killas of land from Lachhman and 2 Kanals of land from Hazur Singh and 3.75 kanals of land from his sister Jamna Bai, which land was in the possession of accused Hazur Singh and had obtained

possession of that land, from Hazur Singh. Thereafter, Hazur Singh accused

had filed a case in the Court of Tehsildar, which was decided in his favour. The complainant had filed an appeal before SDO (Civil) which was decided in his favour, about 5-6 months before the date of occurrence and no further appeal had been filed. Hazur Singh informed complainant through Sarpanch of the Village that the complainant was at liberty to use the passage.

3. On 24.06.1994 at about 09:00 A.M. when the complainant, his wife Smt. Gulabo Bai and his sons Banta Singh, Balbir Singh (PW12), Bhajan Singh (PW13), Satnam Singh (PW11) and Smt. Balwinder Kaur wife of Banta Singh were mud plasting their Kotha, they were attacked by accused-Hazur Singh, Gurdip Singh, Charan Singh, Pritam Singh, Lachhman Singh, Ranjha Ram, Joginder Singh, Khajan Singh, Tara Singh, Bachan Singh and Kuldeep Singh, who were armed with weapons and proclaimed to teach them a lesson for dispossessing the accused party from the land. The complainant did not know, who had assaulted whom because of the injuries suffered by his wife and sons. Thereafter, all the accused managed to escape with their weapons.

4. On the basis of ruqa (Ex. PP) sent to the police station, the formal FIR was registered. All the accused were arrested and weapons of offences were recovered from them vide memo Ex. PQ to Ex. PX. Blood stained earth was also collected and taken into possession vide memo (Ex.P2). Statements under section 161 Cr.P.C. were recorded and after completion of the investigation challan was filed in the Court and case was committed to the Sessions Court for trial.

5. After having found a prima facie case, charges for offences punishable under Sections 323, 325, 326, 307, 148 and 149 of IPC were framed against the accused, to which they pleaded not guilty and claimed

trial.

6. In order to prove its case, the prosecution examined PW1-Dr. Pawan Jain, PW2-Dr. O.P. Kakkar, PW3-Inderjeet Draftsman, PW4-SI Mohinder Singh, PW5-Inspector Raghubir Singh, PW6-ASI Satbir Singh, PW7- Inder Singh complainant injured, PW8-ASI Suresh Kumar, PW9-C. Krishan Kumar, PW10-C. Mohinder Kumar, PW11-Satnam Singh injured, PW12-Balbir Singh injured, PW13-Bhajjan Singh injured and PW14-SI Balwan Singh.

7. Statement of accused under Section 313 Cr.P.C. were recorded in which, all incriminating evidence was put to them, which they denied and pleaded innocence.

8. Accused Hazur Singh and Lachhman Singh had died during trial. Hence, proceedings against them stand abated.

9. After considering the evidence on record, learned trial Court acquitted the accused of the offences for which they had been charge-sheeted, vide judgment dated 13.09.2003.

10. Aggrieved of the said decision, present appeal has been filed by the appellant-State challenging acquittal of the accused/ respondents.

11. Learned counsel for the appellant-State has assailed the impugned judgment by vehemently contending that the trial Court did not appreciate the cogent and reliable evidence led by the prosecution in the right perspective. Learned trial Court attached undue importance to delay in lodging of the FIR, but did not appreciate the fact proved on record that complainant/ injured Inder Singh was declared fit to make statement on 25.06.1994 by the doctors. The first priority before the family was to take injured to the hospital to save their lives and as such the delay was not

intentional. Learned trial Court did not appreciate that motive behind the occurrence had also been proved on record as it was amply clear that there was dispute with regard to the possession of the land with one of the accused Hazur Singh. He further argued that the benefit of the lapse on the part of Investigating Officer cannot be given to the accused persons and cannot be made basis for acquitting the accused persons and has prayed that present appeal be allowed, impugned judgment dated 13.09.2003 be set aside and accused be convicted for the offences as charged with and be punished in accordance with law.

12. On the other hand, the learned counsel for respondents No.3, 5, 7 and 9, contended that after analyzing the entire evidence and after proper appreciation of the same accused have been rightly acquitted by the trial Court, as the offence against the accused persons had not been proved beyond the shadow of reasonable doubt and the present appeal is liable to be dismissed.

13. We have heard learned counsel for the parties and have also perused the record.

14. The alleged occurrence in the present case had taken place on 24.06.1994 at 9.00 A.M., whereas FIR was registered on 25.06.1994 at 12.05 P.M. i.e. after delay of about 17 hours. The aforesaid delay has not been properly explained by the prosecution. PW14-SI Balwan Singh, stated that he had visited Civil Hospital, Ratia on 25.06.1994 at 7.30 A.M. and doctor had declared injured Inder Singh complainant as fit to make statement. It has remained unexplained that why statement of injured was not recorded immediately, at that time and why he had to wait till 12.05 P.M. PW12-Balbir Singh has also stated in his cross-examination that he

was not unconscious and was in complete senses. Thus, he was in the position to get recorded his statement with the police without any delay. In that eventuality, the delay in lodging of the FIR in the instant case is fatal in the prosecution case.

15. SI Balwan Singh, while appearing as PW14 deposed that two medical ruqas Ex.PK and Ex.PK1 were received and he had taken action against the accused relating to the ruqa Ex.PK, but no cogent reason had been disclosed that why no action was taken regarding medical ruqa Ex.PK1. He did not even take any opinion regarding fitness of any of the injured pertaining to ruqa Ex.PK1, so as to record their statements. He had stated in his cross-examination that 6-7 persons were admitted from the complainant side and four persons of the accused party were injured, but he did not challan the opposite party. He also stated in his cross-examination that in the remand papers dated 20.07.1994 ASI Balwan Singh had mentioned that a cross case was registered, but no cross case had been registered against the complainant party. It appears that police was biased towards the accused and was siding with complainant party. It is further strengthened from this fact that though he had taken into possession the blood stained earth in presence of PW10-C. Mohinder Singh, but the same was not sent to FSL. In the absence of FSL report, it cannot be said that the blood stained on the earth was human blood.

16. It also appears that the site plan was also prepared by PW14-SI Balwan Singh as per the instructions of the complainant side. The site plan was prepared after delay of about four months from date of occurrence. PW14-SI Balwan Singh deposed that when he inspected the place of occurrence the exact khasra was not in his knowledge, which shows that he

prepared the rough site plan Ex.PAA on instructions of the complainant side. Without the help of some revenue official, it could not have been mentioned with precision the killa and khasra number, where the occurrence had taken place.

17. The kotha in dispute was situated in killa No.58//2/2. As per the prosecution version the occurrence had taken place near the aforesaid kotha. The complainant claimed to have obtained possession of this Kotha from accused Hazur Singh, but it was admitted by Inder Singh complainant PW7 that Hazur Singh was in possession of the said land and he used to cultivate the land of Smt. Jamna Bai, which shows that in fact accused party was in possession of this land and the occurrence had taken place after the complainant party had reached there.

18. Learned trial Court has rightly observed that in that situation the accused party can safely be held to be the aggressor party. Some persons from the accused party also suffered injuries on their persons with sharp edged weapon including the grievous injuries. The complainant stated that he had not reported to the police that the complainant party had also caused injuries to the accused in self defence.

19. PW11-Satnam Singh injured testified that he and his companion did not cause any injury in self defence to the accused and then further testified that it might be that five of the accused had suffered injuries. So, when as per the complainant those injuries had not been caused by the complainant's side, then the injuries on the person of the accused persons have remained unexplained. Trial Court has rightly observed that it means that complainant side was not coming out with truth and they were concealing something.

20. In light of above, after analyzing the evidence on record it can safely be concluded that prosecution has failed to prove its case against the accused beyond the reasonable doubt. Evidence on record is indeed insufficient to convict the accused of the offences as charged with and they have been rightly acquitted by learned trial Court.

21. It is a settled position that an order of acquittal is not to be interfered with lightly because presumption of innocence of the accused is further strengthened by acquittal. Reference in this regard can be made to judgment of Hon'ble Supreme Court in 'Mahamadkhan Nathekhan vs. State of Gujarat' 2014 (14) SCC 589. Interference is called for only under compelling circumstances, where impugned findings are perverse, unreasonable and convincing material on record is ignored unjustifiably by the trial Court, which is not there in the present case

22. Learned counsel for the appellant State has not been able to point out any illegality, infirmity or perversity in the impugned decision dated 13.09.2003 calling for any interference.

23. In view of the above, the appeal being bereft of any merit is dismissed and impugned judgment dated 13.09.2003 passed by learned trial Court is upheld.

24. Pending applications, if any, also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

(N.S. SHEKHAWAT)
JUDGE

02.12.2025

Komal

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