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2025:PHHC:093397-DB



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

**CRM-A-1245-MA-2017 (O&M)
Date of decision: 14.07.2025**

Charanjit Singh

...Appellant

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Surinder Garg, Advocate
for the appellant.
Mr. Adeshwar Singh Pannu, AAG, Punjab.
Mr. Jatinderpal Singh, Advocate for respondent Nos.2 and 4.

DEEPAK MANCHANDA, J.

The present appeal has been filed against the judgment of acquittal dated 30.03.2017 passed by the learned Sessions Judge, Sri Muktsar Sahib, registered in a case bearing FIR No. 09 dated 29.01.2015 at Police Station Kotbhai under Sections 307, 450, 323 read with section 34 of IPC and Section 27 of the Arms Act, whereby the respondents have been acquitted.

2. The brief facts emanating from the pleadings of the present appeal are that the applicant/appellant got his statement recorded on 28/01/2015, stating therein that he, along with his wife Paramjit Kaur, were sitting in the courtyard in front of the main door of their house. They were having a dispute with respondents about Shamlat land, which was opposite to their main door, who came at the spot and started abusing him and threatened to teach him a lesson for occupying the said Shamlat land. The respondent No. 2 gave a

lalkara, respondent No. 3 gave a tangli blow on the person of the appellant, which struck his right shoulder, and respondent No.4 gave a stick blow, which struck near the left wrist joint of his hand. In the meantime, respondent No. 2 took out a pistol from his waist and fired at the applicant/appellant-complainant to kill him, which hit his left thigh due to which he fell at the main gate of his house. Thereafter, the wife of the complainant raised alarm, and his brother came to the spot, who also witnessed the incident. After seeing this, the respondents, Nos. 2 to 4, who had caused injuries to him, ran away from the spot.

3. After the registration of the said FIR, an investigation was conducted, and a challan under Section 173 Cr.P.C. was filed before the Court. Finding a *prima facie* case under Sections 307, 323 and 34 of the IPC and Section 27 of the Arms Act, the case was committed to the Court of Sessions. Thereafter, charges were framed under these sections against all the accused, who pleaded not guilty and chose to proceed to trial.

4. The prosecution examined total twelve witnesses, including Charanjit Singh as PW 1- complainant; PW-2 Parampal Singh, who was an eyewitness to the incident; PW-3 Dr Gurpreet Singh, who conducted the medicolegal examination; PW- 4 Ranjit Singh, Clerk, License Passport Authority; PW-5 Ajeet Sharma, Draftsman, and Dr Surinder Kumar Arora, the Medical Officer as PW-6. HC Ram Saroop as PW-7 and Constable Bhupinder Singh as PW-9; Dr Sarbjit Singh, EMO at the Civil Hospital, Sri Muktsar Sahib as PW-8; HC Chhotu Ram as PW-10; ASI Amrik Singh as PW- 11; and SI Mohan Lal as PW-12, the investigating officer. All the exhibits, including MLR Ex. DA, were tendered in evidence.

5. The statements of all the accused were recorded under Section 313 Cr.P.C., wherein they denied the allegations levelled against them by the prosecution and pleaded their innocence and false implication in the present case. In their defence, the accused examined three witnesses: Dr. Gurdeep Singh as DW-1, HC Ram Saroop as DW-2, and ASI Malkiat Singh as DW-3. The respondents also tendered a copy of FIR No. 06 dated 24/01/2015 as Ex. DW2/A, MLR as Ex. DA, and a pictorial diagram as Ex. DB, along with DDR number.12 dated 25/11/2014 as Ex. DK. Thereafter, they closed their defence evidence.

6. The learned trial court, after considering the material available on record, held that the prosecution miserably failed to prove their case against respondents No. 2 to 4, and, as a result, acquitted them beyond a shadow of a doubt, which has now been challenged through the present appeal.

7. Learned counsel for the appellant argues that the trial court failed to properly evaluate the evidence presented by the prosecution and acquitted respondents Nos. 2 to 4 based on mere conjectures and surmises. The key witnesses had thoroughly supported the prosecution's case, which was not objectively examined in its proper context. The trial court, while ignoring the eyewitness testimony, mistakenly proceeded to acquit the accused/respondent numbers 2 to 4.

8. We have heard learned counsel for the applicant/appellant and reviewed the Court record.

9. The sole question that requires consideration by this Court is whether the impugned judgment of acquittal requires interference.

10. The impugned judgment, which shows that the trial court noted

that the medical evidence did not match the ocular account, weakening the prosecution's case. Referring to the statement of the appellant-complainant PW-1 who stated that respondent No. 2 issued a lalkara, respondent No. 3 caused injury with tangli, respondent No. 4 caused injury with soti, and accused-Guzari Lal (respondent No. 2), caused a firearm injury with his .32 bore pistol. According to PW-3, in Dr. Gurdeep Singh's case, the medicolegal examination of PW-1 on 28/01/2015 revealed only one injury on the complainant, with a copy of the MLR, Ex. PB, confirming this. This contradicts the appellant/complainant's detailed allegations against all accused, claiming three injuries caused by various respondents, including those caused by respondent Nos. 3 and 4. The medical evidence showing only one injury undermines the prosecution's assertion that respondent Nos. 3 and 4 held a weapon or caused injuries, raising doubts about the credibility of the prosecution's story.

11. Furthermore, the nature of the injury was not mentioned, despite the prosecution examining three doctors, where PW-3 Dr. Gurpreet Singh stated that the injury was kept under observation and duration of injury was within six hours. PW 6, Dr. Surinder Kumar Arora stated that the patient was referred to their hospital from Civil Hospital, Gidderbaha and Dr. Manjit Singh, Orthopedician treated him and this witness has proved the bed head ticket as Ex. PW6-A and PW-8 Dr. Sarbjit Singh submitted a supplementary report as Ex. PW8/A, but there is nothing in his statement as well as report with regard to the nature of injury. In such a case, if there is no specific opinion from the doctor that the injury endangered the victim's life or was life-threatening, the injury cannot be considered as dangerous to life, and the offence under Section

307 IPC cannot be established. Given the lack of a report on whether the injury is grievous, the prosecution failed to provide cogent and convincing evidence regarding the nature of the injuries; therefore, the benefit of the doubt must be given to the respondents.

12. Similarly, as per the impugned judgment, doctors did not give any opinion about the kind of weapon used, nor the police has taken any expert opinion, nor was any evidence produced to prove the type of weapon alleged to have caused injuries to the complainant. According to the prosecution's account, respondent No. 2 used a .32 pistol, but the recovery of the weapon was doubtful since it was not recovered in the presence of an independent witness though the respondents' statement is said to have been recorded at the court complex. Still, no independent witness accompanied the police from the place of making the disclosure statement to where the alleged recovery took place. Therefore, the prosecution's version of the weapon's recovery is also doubtful. The learned trial Court observed that no blood had been recovered from the place of occurrence or near the complainant. Additionally, there was no other evidence indicating that any bullet was recovered in this case, and according to the appellant/complainant, no blood had fallen at the scene.

13. Furthermore, the above mentioned fact was not supported by any official report, even though the prosecution witness stated that he had shown the blood-stained earth to the police at the scene.

14. After reviewing the contents of the impugned judgment, we believe that the prosecution did not prove any motive, as there is no document on record to suggest that the complainant party had any plot. The learned trial Court observed that the accused/respondents were falsely implicated in this

case due to previous enmity between the parties, where initially the allegations of rape by respondent No. 4 were made against the complainant to cause injuries to her. This was supported by the statement of doctors and the MLR, where no action was taken, and the registration of the present FIR, which lacks eyewitness evidence to establish the guilt of the accused. It appears that the FIR was registered solely to pressurize respondent No. 4 or to influence a possible compromise. We also find that the prosecution failed miserably to prove its case against the accused respondents beyond a reasonable doubt.

15. Hence, the findings recorded by the learned trial do not suffer from illegality or perversity. In a criminal matter, whenever doubt is cast upon the prosecution's case, the accused is entitled to the benefit of such doubt. After examining the depositions of the prosecution and defence witnesses, the trial court held that the prosecution had failed to prove the charges regarding the offences levelled against the accused and acquitted them of the charges.

16. In an appeal filed against an acquittal, the appellate Court has to examine whether the findings of the Court are perverse and *prima facie* illegal. Once the appellate court finds that the grounds on which the judgment is based are not frivolous, the scope of the appeal filed against acquittal is limited, considering that the trial court's finding further strengthens the legal presumption of the accused's innocence. At this point, it is imperative to consider the decision of the Hon'ble Supreme Court in the case of ***Mrinal Das v. State of Tripura, (2011) 9 SCC 479***, wherein it has been observed as follows:-

“13. It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order,

interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, it being the final Court of fact, is fully competent to re-appreciate, reconsider and review the evidence and take its own decision. In other words, the law does not prescribe any limitation, restriction, or condition on the exercise of such power, and the appellate Court is free to arrive at its conclusion, keeping in mind that acquittal provides a presumption in favour of the accused. The presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent unless he is proved guilty by the competent Court. If two reasonable views are possible on the basis of the evidence on record, the appellate Court should not disturb the findings of acquittal.

14. *There is no limitation on the part of the appellate Court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate Court can also review the conclusion arrived at by the trial court with respect to both facts and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate Court to marshal the entire evidence on record and only by giving cogent and adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference....."*

17. Similarly, in the case of ***Ghurey Lal v. State of Uttar Pradesh, (2008) 10 SCC 450***, the Hon'ble Supreme Court reiterated the same view and observed as follows:

"75. The trial court has the advantage of watching the demeanour of the witnesses who have given evidence,

therefore, the appellate Court should be slow to interfere with the decisions of the trial court. An acquittal by the trial court should not be interfered with unless it is totally perverse or wholly unsustainable."

18. Thus, the judgment of acquittal is to be interfered with only for compelling and substantial reasons. In case the impugned judgment is unreasonable, it would be a compelling reason for interference. Still, where there is no perversity in the finding of the impugned judgment of acquittal, the appellate Court must not take a different view only because another view is possible. This is because the trial Court has the privilege of seeing the demeanour of witnesses and, therefore, its decision must not be upset in the absence of strong and/or compelling grounds.

19. Given the above, we find no illegality or perversity in the findings recorded by the trial Court. Therefore, the application seeking leave to appeal is dismissed, and leave to appeal is denied.

20. Pending application(s), if any, shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

14.07.2025

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Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No