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2025:PHHC:080176-DB



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

CRM-A-341-2021 (O&M)

Date of decision: 03.07.2025

Modan Singh

...Appellant

Vs.

Jaspal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kishan Bansal, Advocate for
Mr. Naresh Jain, Advocate
for the appellant.

DEEPAK MANCHANDA, J.

The present appeal has been filed against the judgment of acquittal dated 28.02.2020 passed by the learned Sessions Judge, Sri Muktsar Sahib, in a complaint case registered under Sections 323, 326, 506, and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'), in which the respondents were acquitted.

2. The facts in brief from the pleadings of the present appeal are that the appellant/complainant, namely, Modan Singh, filed a complaint stating that he is an agriculturist and owns land bearing Khewat No.36 in village Gheele Wali in joint ownership. It is said that he has had the land for the last 40 years. The respondents/accused sought to take possession of the land from the complainant forcibly. On 03.07.2013, when the complainant went to his fields, the respondents/accused, namely, Jaspal Singh, Jasvir Singh, armed with a

kirpan, Mewa Singh, armed with a kasia, and Parinder Singh, armed with a dang, arrived in an Innova car bearing registration No.PB-03-AB-0990 at the complainant's fields. Accused Jasvir Singh delivered three sword blows to the complainant, who raised his right hand to defend himself, resulting in three of his fingers being cut. Accused Mewa Singh struck a kasia blow on the upper side of the complainant's left arm, and accused Parinder Singh gave a dang blow to his legs. The complainant raised an alarm, and upon hearing it, Veerpal Kaur, the complainant's daughter-in-law, and her son, Bohar Singh, arrived at the scene. The accused then fled in their car along with their weapons. Veerpal Kaur arranged a vehicle and had the complainant admitted to Civil Hospital, Sri Muktsar Sahib, where he remained hospitalised for 21 days. It was further alleged that the doctors at Civil Hospital, Sri Muktsar Sahib, informed the Police Station Gidderbaha about the incident after 3-4 days, and the complainant recorded his statement with ASI Gurdeep Singh. However, the police did not take any action against the accused persons. Therefore, the present complaint was filed.

3. The appellant was medico-legally examined on 03.07.2015, and the following injuries were found on his person:-

- 1. Incised wound 2 x 0.5 cm on the proximal IP joint of the index finger on the right hand, fresh bleeding present.*
- 2. Incised wound 2 x 0.5 cm on the proximal IP joint of the middle finger of the right hand.*
- 3. Incised wound 3 x 0.5 cm in the middle of the middle phalanx of the right middle finger, underlying bone cut.*
- 4. Diffused swelling 4 x 4 cm on the left deltoid region.*

Injuries Nos. 1 and 2 were declared as simple, and injury No.3 was declared as grievous. Dr. Ranju Singla (CW-1) tendered her affidavit

Ex.CW1/A and also proved MLR Ex.C-2, pictorial diagram Ex.C-3, supplementary report Ex.C-4 and bed head ticket Ex.C-5.

4. The complainant, in his preliminary evidence, himself stepped into the witness box as CW-1 and also examined Veerpal Kaur as CW-3 and HC Harmeet Singh as CW-5. Along with other exhibits, rapt No.37 dated 11.07.2015 (Ex.CY), jamabandi for the year 2012-13 (Ex.CY), girdawari for the year 2017-18 (Ex.CZ), girdawari for Souni 2017 (Ex.CD), and girdawari for the year 2004-2005 (Ex.CE) were also tendered in evidence. The trial court, upon finding sufficient grounds to proceed against the accused, ordered their summoning for offences punishable under Sections 323, 326, 506, and 34 IPC so that they could face trial. Finding a prima facie case under Sections 326, 323, 506, and 34 IPC, charges were framed under these Sections against all the accused, who pleaded not guilty and claimed trial.

5. The statements of all the accused were recorded under Section 313 Cr.P.C., in which they denied the allegations against them, proclaimed their innocence, and claimed false implication in the present case. They also presented evidence in their defense.

6. Accused Nos. 2 to 4, after tendering certified copies of the judgment and decree dated 20.03.2014 in the case titled 'Modan Singh Versus Pal Singh and Others' (Ex.D1, Ex.D2), the judgment and decree dated 15.01.2015 in appeal (Ex.D3, Ex.D4), the judgment and decree dated 25.10.2018 in the case titled 'Darshan Singh Versus Resham Singh and Others' (Ex.D5, Ex.D6), statements of Darshan Singh and Nittu Singh in the case titled 'State Versus Jasvir Singh and Others' (Ex.D7 and Ex.D8), and the judgment dated 12.12.2019 in the said case (Ex.D9), along with a copy of khasra

girdawari (Ex.D10), photocopy of grounds of appeal regarding change of khasra girdawari (Mark-X), and photocopy of order dated 25.09.2017 (Mark-Y), closed their defense evidence, and the evidence of accused No. 1 was also closed by order.

7. The trial court, upon examining the evidence on record, held that the complainant had failed to establish the charges against the accused and, consequently, acquitted them vide impugned judgment dated 28.02.2020.

8. Learned counsel for the appellant argues that the learned trial court failed to recognise that the three injuries on the finger are different, with the injury on the middle finger being grievous. It is unlikely that injuries to two fingers are simple, while the one on the middle finger is grievous. The counsel further states that the appellant is 73 years old, was admitted to Civil Hospital for 18 consecutive days, and CW-3 Veerpal Kaur supported the prosecution's case by testifying in chief and being cross-examined; yet, the trial court ignored these facts without adequately considering the record. Additionally, the counsel claims that the injuries are conclusively supported by medical evidence; however, the impugned judgment ignored these facts and should be set aside.

9. We have heard counsel for the appellant and have reviewed the trial Court's record.

10. The only issue that requires consideration by this Court is whether the finding of acquittal qua respondents recorded by the learned trial Court requires any interference by this Court.

11. The impugned judgment reveals that initially, the appellant/complainant stated that his son and daughter-in-law arrived at the

scene after he raised an alarm. However, he later claimed that he informed Darshan Singh over the phone about the injuries he had sustained. This indicates inconsistencies in the appellant/complainant's version, and he subsequently completely altered his account regarding the outraging of his daughter-in-law Veerpal Kaur's modesty, stating that he had consulted his relatives before recording his statement before ASI Gurdeep Singh. The appellant/complainant also noted that both Veerpal Kaur and Darshan Singh had brought him to the Civil Hospital on a motorcycle, but later revised his statement, saying he met them on the way to the hospital. Additionally, he claimed that the road was 3.5 kilometres away from his land, where the tubewell was installed, but he could not see anything 200 to 300 feet away due to poor eyesight.

12. After reviewing the contents of the statement recorded by CW-3 Veerpal Kaur, we find that there are material contradictions. Veerpal Kaur was not examined in chief; however, she improved her version during cross-examination and stated that she had gone to serve tea to the appellant/complainant and was present on the spot at the time of the occurrence. But, in reality, she was not telephonically informed by the appellant/complainant about the injuries, which is contrary to the statement made by the appellant/complainant that Veerpal Kaur was present on the spot at the time of the occurrence. The trial Court noticed that her father-in-law/complainant was on the house at the first instance, and there she informed her husband would then arrange a motorcycle to take the complainant to the civil hospital. It is also acknowledged that she did not mention Jaspal Singh's name in her earlier statement.

13. After perusing the impugned judgment, we are of the view that there are contradictory versions about the presence of Veerapal Kaur (daughter-in-law of complainant CW-3). ASI, Gurdeep Singh, to whom the appellant complainant reported the matter was not examined. The occurrence is stated to have taken place around 9 AM. At the same time, the appellant/complainant was admitted to the hospital around 12:00 PM, despite the hospital being only 2 to 3 km away from the alleged occurrence. Moreover, the appellant/complainant himself admitted that his suit for permanent injunction had been dismissed by Civil Judge (Junior Division) on 20.03.2014 and that another civil suit filed by his son, the Resham Singh, was also dismissed by Civil Judge (Sr.Division) on 25.10.2018. Dr Ranju Singla, who conducted the MLR of the appellant/complainant, had deposed explicitly to the effect that the appellant/complainant's fingers were intact, which is contradictory to the version put forth by the appellant/complainant that his middle finger was hanging. The evidence presented suggests that the appellant/complainant's account of his finger being cut off is not corroborated by the medical evidence.

14. The learned trial court also observed that the appellant's version of the complainant was not consistent with his evidence. Besides his evidence, no corroborating oral evidence had been produced on record. It was further observed that the medical evidence on record also did not support or corroborate his version, as the cause of grievous injury to his person had not been proved, upon considering the entire evidence jointly. Resultantly, the appellant/complainant was not able to prove its case against the accused persons beyond a reasonable doubt and failed to prove its case as per the charges framed against the respondents/accused persons. Accordingly, the

complaint filed by the appellant/complainant was dismissed, and the accused were acquitted of the charges.

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 determines that the grounds on which the judgment is based are not depraved, the scope of the appeal filed against acquittal is limited, as the trial court's finding further reinforces 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 exercise of such power and the appellate Court is free to arrive at its own conclusion keeping in mind that acquittal provides for 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 clearly unreasonable, it would be a compelling reason for interference but 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. We find that the findings of acquittal of respondents recorded by the learned trial Court are based on evidence on record and no fault can be found with the same. Given the above, we do not find any illegality or perversity in the findings recorded by the trial Court. Therefore, the application seeking a grant of leave to appeal is dismissed, and leave to appeal is declined.

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

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

03.07.2025

vanita

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