

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1003-2019

Reserved on 13.05.2025

Pronounced on 11.08.2025

Inder Singh

... Applicant

VS.

Hardyal Singh & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate for the applicant

Mr. Ajay Kumar, Advocate for

Mr. Rishu Mahajan, Advocate for respondents No.1&2

Sandeep Moudgil, J.

(1). This application has been filed under Section 378(4) CrPC for grant of leave to file appeal against the judgment dated 04.12.2018 passed by JMIC, Amritsar vide which respondent No.1 has been acquitted from the charges framed against him in a complaint under Section 323/324/339/392/506/148/149 IPC, at Police Station A Division, Amritsar.

(2). Learned counsel for the applicant draws the attention of this Court to Annexure A-1, which is the statement of Dr.Iqbal Singh Ghai, recorded by the learned trial Court concerned, wherein, he has duly proved the injuries suffered by the victim/present applicant. He further submits that these injuries cannot be and have not been concluded to be self suffered injuries and despite that the learned trial Court concerned has erroneously recorded the verdict of acquittal.

(3). It is argued that the medico-legal examination of the respondent no.1 HC Hardyal, was also conducted by Dr. Rajeev Kumar Chaudhary and in his blood and urine samples 'ethyl alcohol' was detected and it was 51.7 mg per

100 ml vide chemical examiner report No.685 of dated 15.03.2010, which clearly shows that the Respondent no.1, was drunk during his working hours in spite thereof, the trial Court has simply ignored the same and has not given any justified reasoning while passing the impugned judgment of acquittal as can be seen from the examination of the chief and cross examination of the doctor Dr. Rajeev Kumar Chaudhary dated 07.02.2018 and the chemical examiner report of dated 15.03.2010 (Annexures PA3 & A4, respectively).

(4). The complainant has alleged that on 22.01.2010 present two accused persons stopped him near Hukam Singh Road and thereafter near Gore Halwai shop near bus stand. The complainant has contended that both the accused persons had asked him to give a sum of Rs.500 in lieu of not being challenged for wrong parking of car, however, on refusal, both the accused armed with stick gave severe beatings to the complainant and his family members and snatched the gold ornaments from them.

(5). From the findings of the trial court, it can be seen from the cross-examination of CW3 Inder Singh – complainant, that when he was put question as to the motive of filing the present complaint, the said complainant admitted that he does not know the accused persons in Court before the occurrence and he even could not tell the number of accused persons. There is no written complaint or application in this regard on record of the trial court.

(6). Further there is admission on the part of the complainant Inder Singh that he is an illiterate and that being so, the complaint was prepared by the Advocate and therefore, he was not in a position to know as to what the contents of the complaint/application as mentioned in the present complaint besides the fact that no family members of the complainant have been

examined by him in support of his case despite the vague assertion that they were sitting in Gore Halwai Shop and as such, the trial court rightly observed that complainant withheld the best evidence deliberately.

(7). The respondent-accused was medically examined by Dr.Rajiv Chaudhary CW2 who deposed regarding the injuries on the person of the accused and that there were no injuries on the person of the complainant and the onus to explain the injuries could not proved by the complainant. That apart, the trial court further recorded that upon cross-examination of CW1 Dr. Iqbal Singh Ghai, it was deposed that the possibility of injuries having been caused by friendly hand or by fall could not be ruled out and since the happening of occurrence as alleged by the complainant has been itself put a question mark, the findings returned by the trial court that the alleged occurrence is doubtful as the deposition made by both the witnesses, namely, Inder Singh and Prem Singh during their cross-examination either proved to be hearsay or were self-harming admissions which marred the case projected by the complainant, makes it amply clear that the instant case does not warrant any interference of this Court.

(8). In the light of the above discussion, no infirmity has been found in the impugned judgment dated 04.12.2018 of the trial court and as such, the present application seeking leave to file appeal stands dismissed.

(9). Ordered accordingly.

11.08.2025

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No