



CRR-2539-2008 (O&M)

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(202)

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

CRR-2539-2008 (O&M)

Date of Decision:-30.01.2025

JAGJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB & OTHERS

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Ruchi Sekhri, Advocate as Amicus Curiae
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 13.05.2008 passed by the Addl. Sessions Judge, Moga whereby the appeal filed against the judgment of conviction and order of sentence dated 01.08.2007 passed by the Judicial Magistrate, 1st Class, Moga has been set aside acquitting the accused/respondent Nos.2 to 5.

2. The FIR in the present case came to be registered on 04.07.1995. The judgment of conviction was passed on 01.08.2007 by the Judicial Magistrate, 1st Class, Moga. The appeal filed against the order of conviction was set aside on 13.05.2008 by the Addl. Sessions Judge, Moga. The instant revision petition was filed on 08.08.2008 and has come up for final hearing now i.e. after a period of 29 ½ years from the date of registration of the FIR.



3. The brief facts of the case are that Jagjit Singh/complainant petitioner got registered an FIR No.39 dated 04.07.1995 U/s 326/324/323/148/149 IPC, P.S. Mehna with the allegations that Joginder Singh, Sucha Singh, Iqbal Singh, Budh Singh and Sadhu Singh had assaulted him on account of a land dispute.

4. On conclusion of the investigation, a report under Section 173 Cr.P.C. was presented. Joginder Singh absented himself and was a declared a proclaimed offender.

5. On the basis of the evidence led, the accused/respondent Nos.2 to 5 came to be convicted and sentenced by the Court of Judicial Magistrate, 1st Class, Moga vide judgment and order of sentence dated 01.08.2007 as under:-

Name of convicts	Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Sucha Singh	148 IPC	RI 01 year	--	--
	326/149 IPC	RI 02 years	Rs.500/-	01 month
	324/149 IPC	RI 01 year	Rs.300/-	15 days
	323/149 IPC	RI 06 months	--	--
Iqbal Singh	148 IPC	RI 01 year	--	--
	326 IPC	RI 02 years	Rs.500/-	01 month
	324/149 IPC	RI 01 year	Rs.300/-	15 days
	323/149 IPC	RI 06 months	--	--
Budh Singh	148 IPC	RI 01 year	--	--
	326/149 IPC	RI 02 years	Rs.500/-	01 month
	324/149 IPC	RI 01 year	Rs.300/-	15 days
	323 IPC	RI 06 months	--	--
Sadhu Singh	148 IPC	RI 01 year	--	--
	326/149 IPC	RI 02 years	Rs.500/-	01 month
	324/149 IPC	RI 01 year	Rs.300/-	15 days
	323/149 IPC	RI 06 months	--	--

All the sentences were ordered to run concurrently.



6. Sucha Singh (respondent No.2), Iqbal Singh (respondent No.3), Budh Singh (respondent No.4) and Sadhu Singh (respondent No.5) filed an appeal against the judgment of conviction and the Appellate Court set aside the said judgment of conviction vide judgment dated 13.05.2008 and acquitted the appellants.

7. The instant revision petition has been preferred challenging the judgment of acquittal.

8. The learned Amicus Curiae for the petitioner/complainant contends that the offence stood established beyond reasonable doubt. The medical evidence was totally in consonance with the ocular account and therefore, the judgment passed by the Appellate Court was liable to be set aside and respondent Nos.2 to 5 be convicted in terms of the judgment of the Trial Court.

9. The learned counsel for the State on the other hand has supported the case of the complainant/petitioner stating therein that the judgment of acquittal was based on conjectures and surmises and ought to be set aside.

10. I have heard the learned counsel for the parties.

11. A perusal of the file would reveal that the alleged occurrence took place on 02.07.1995 at about 08.15 PM whereas the FIR lodged on 04.07.1995 at 10.15 PM. The medical examination of the injured was conducted more than 12 hours after the alleged occurrence. The delay has not been explained in a satisfactory manner. In fact, this delay has been used to concoct a version with due deliberations and confabulations. The medical

evidence also goes to show that the duration of the injuries are different. As per the admitted case of the prosecution, the complainant party and the accused were inimical to each other and there was every possibility of false implication.

12. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 30, 2025
Jitesh

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