

2025:PHHC:068636



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

CRR-3015-2009(O&M)

Date of Decision:-21.05.2025

Ravi Kumar.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Hardeep Singh, Advocate for
Mr. Ram Bilas Gupta, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

Ms. Anmol Thakur, Advocate for
Mr. Sandeep Arora, Advocate for respondent no.3.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 18.05.2009 passed by Additional Sessions Judge, Jalandhar whereby the respondents/accused nos.3 & 4 were acquitted of the charges framed against them while convicting the respondent/accused no.2.

2. The FIR in the present case came to be registered on 14.01.2008. The judgment of conviction and order of sentence was passed on 18.05.2009 passed by Additional Sessions Judge, Jalandhar. The instant revision petition was filed in the year 2009 and has come up for final hearing now i.e. after a period of more than 17 years from the date of registration of the FIR.

3. The brief facts are that A.S.I Sukhdev Singh on receiving information about the admission of Ravi Dhillon in an injured condition in Satyam Hospital, Jalandhar reached there for recording his statement but the doctor declared the injured as unfit to make a statement. Again on 14.01.2008, the doctor declared the injured unfit to make a statement. Then Bunti @Baba son of Kishan Chand, resident of H.No. WT-363, Mohalla Kot, Basti Sheikh, Jalandhar, the brother of injured Ravi met A.S.I Sukhdev Singh and got recorded his statement whereby he stated that on the intervening night of 13/14 January 2008 at about 10.00 pm he was present alongwith his brother Ravi Kumar on the tea stall of Raju @ Mannu where one vehicle make Tata of red colour bearing registration No.PB 08-AV-8162 came and rammed into the Khokha of the Tea Stall and resultantly the Khokha turned turtle. On that account, they entered into a verbal altercation with Ajay Kumar @ Kalu driver of the said Tata Vehicle and another unknown person who was sitting in the vehicle. Ajay @ Kalu ran away from the spot after leaving the vehicle. Thereafter, he alongwith Paramjit @ Goldi son of Ajit, resident of Guru Sant Nagar, Rajan STD owner, resident of Model House, Gokha, resident of Basti Danishmandan and Tony resident of Deol Nagar whom he already knew, came there. Accused Goldi gave blows of a Datar like weapon on the person of Ravi which hit on his face near left side of his jaw, eye and head. On receiving injuries, his brother Ravi fell down and the other accused also started causing injuries on his person. He raised an alarm and then people started assembling there and all the accused ran away from the spot with their respective weapons. Then a vehicle was arranged and injured Ravi was admitted in Satyam Hospital. Goldi and his companions caused injuries to Ravi, his brother. The motive behind the occurrence was the altercation due to striking of the vehicle with the khokha.

On the basis of statement of complainant, the FIR was registered against the accused under Sections 307/326/324/148/149 IPC. Investigating Officer visited the place of occurrence and prepared the rough site plan. Accused Vijay Kumar, Paramjit Singh @ Goldi, Happy @ Ashok Kumar were arrested and their arrest memos were prepared. Accused Paramjit Singh suffered a disclosure statement, on the basis of which he got recovered a Kirpan allegedly used for commission of offence. A Sketch of the Kirpan was prepared and it was taken into possession by the police. Similarly accused Happy @ Ashok also got recovered the Kirpan which was also taken into police possession and a sketch of the same was also prepared. Rough site plan of the place of recovery was also prepared by the Investigating Officer. The Tata Vehicle bearing No.PB 08-AV-8162 was also recovered. Bed head ticket and MLR of the injured Ravi was taken into police possession. Total eight injuries were found on the person of injured Ravi, out of which injuries No.5, 6, 7 and 8 were declared grievous. Accused Rajan, Khokha @ Kamal Kumar, Ajay Kumar and Tony @ Rahul could not be arrested and they were declared as proclaimed offenders. After completion of investigation, challan against the accused was presented in the court of Ilaqa Magistrate for commitment proceedings.

4. Finding a prima facie case under Section 307/148/149 IPC charges were framed against the accused, to which they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined, Bunty complainant as PW-1, Ravi Kumar as PW-2, Dr. Neeraj Medical Officer, Satyam Hospital, Jalandhar as PW-3, Daljit Kaur, Jr. Assistant DTO Office, Jalandhar as PW-4, Dalip Singh Draftsman as PW-5, HC Satwinder Singh as PW-6, ASI Sukhdev Singh as PW-7 and Dr.Ashish Kalra as PW-8.

6. Based on the evidence led, the accused/respondent no.2-Paramjit Singh @ Goldi was convicted for the offence punishable under Section 326 IPC and sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs.20,000/- and in default of payment of fine he was further directed to undergo rigorous imprisonment for 02 months whereas respondents/accused nos.3 & 4-Vijay Kumar and Ashok Kumar came to be acquitted.

7. The aforementioned judgment is under challenge in the present revision petition at the instance of the injured Ravi.

8. The Counsel for the petitioner contends that the Trial Court erred in acquitting the respondent nos.3 & 4 and convicting the respondent no.2 only for the commission of the offence under Section 326 IPC. The depositions of the material PWs have not been considered in their proper perspective. The medical evidence is totally in consonance with ocular account. The identity of the acquitted accused stands established beyond reasonable doubt. He thus prays that the acquittal of respondent/accused nos. 3 & 4 be set aside whereas the respondent/accused no.2 be convicted for the offence under Section 307 IPC.

9. The Counsel for the State as well as private respondents/accused on the other hand contend that the impugned judgment is based on proper appreciation of the evidence on record. Therefore, the present revision is liable to be dismissed.

10. I have heard counsel for the parties.

11. Apparently, the prosecution has not been able to establish the identity of Ashok Kumar @ Happy and Vijay Kumar @ Dulla accused/respondent nos.3 & 4. Therefore, they were rightly acquitted of the charges framed against them. Further the injury attributed to

accused/respondent no.2 was not dangerous to life but was in fact grievous in nature and, therefore, his conviction was correctly recorded under Section 326 IPC.

12. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 21, 2025
Vinay

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