

2025 PHHC:067238



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

**CRR-541-2010(O&M)**

**Date of Decision:-20.05.2025**

**State of Haryana.**

.....Petitioner.

Vs.

**Hukam Singh & Anr.**

.....Respondents.

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

Present:- Mr. Viney Phogat, Deputy Advocate General, Haryana  
For the appellant.

Mr. Tarun Yadav, Advocate for the respondents.

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**JASJIT SINGH BEDI, J.(ORAL)**

The present revision petition has been filed impugning the judgment dated 08.07.2009 passed by Additional Sessions Judge (Adhoc), Fast Track Court, Rewari whereby the appeal filed against the judgment of conviction and order of sentence dated 06.02.2007 passed by Additional Chief Judicial Magistrate, Rewari was allowed thereby reversing the judgment of conviction and order of sentence.

2. The FIR in the present case came to be registered on 12.09.1996. The judgment of conviction and order of sentence was passed on 06.02.2007 passed by Additional Chief Judicial Magistrate, Rewari. The Appeal filed against the order of conviction was allowed on 08.07.2009 by the Additional Sessions Judge, Fast Track Court, Rewari. The instant revision petition was filed on 28.06.2010 and has come up for final hearing

now i.e. after a period of 28 years from the date of registration of the FIR.

3. Briefly stated the case of the prosecution is that on 21.08.1996 at about 9.05 am, complainant Jeet Ram son of Lahri caste Jat resident of Jhabua visited the police station Bawal and made a report alleging therein that his plot and the plot of Hukam Singh son of Hundan Ram resident of Jhabua were adjoining each other. There was a path in between the aforesaid plots. There was a Kikar tree in the plot of Hukam Singh. Some branches of the Kikar tree were creating a hindrance to the people. On that day, at about 7.30 AM the complainant was removing one of the branches which was creating trouble to the passersby. In the meantime, Hukam Singh came there and asked the complainant as to why complainant was removing the branches. Saying so, he caught hold of the complainant. Raja Ram son of Ram Sarup whose house was located nearby also came to the spot. He lifted a stone and threw it towards complainant which hit the complainant on his left eye. The Complainant raised a noise which attracted Meer Singh son of Shiv Lal and Kishan Lal son of Hari Ram both residents of Jhabua who rescued the complainant from the clutches of the accused. The Complainant got himself medico legally examined at CHC Bawal. The Doctor found two injuries on the left eye of the complainant. Injury No.1 was referred for the opinion of the Eye Surgeon. During X-ray examination, Dr. Ashok Kumar Arora (PW-8) found a fracture in the medical wall of the left eye. After the x-ray report, the formal FIR was recorded. Investigation was started. Statements of the witnesses were recorded. Site plan of the place of occurrence was prepared. During the investigation accused Raja Ram was found innocent and police filed the challan only against accused Hukam Singh.

4. Accused Hakam Singh when charge sheeted under Sections

323/325 IPC did not plead guilty and claimed trial. During his trial, the prosecution moved an application under Section 319 Cr.PC for summoning of accused Raja Ram to face trial along with the accused Hukam Singh which was allowed vide order dated 15.12.2001. On appearance of the accused Raja Ram, he was released on bail. He was also charge sheeted under Sections 323, 325 read with Section 34 IPC to which he did not plead guilty and claimed trial.

5. To prove its case prosecution examined the following witnesses:-

PW1 Dr.Banwari Lal MO, CHC Bawal,

PW2 Surender Singh HC,

PW3 Jeet Ram complainant/injured.

PW4 Kishan Lal eye witness.

PW5 Ishwar Singh, Inspector

PW6 Sat Narain Investigating Officer

PW7 Dayanand Constable.

PW8 Dr. Ashok Kumar Arora

6. Accused when examined under Section 313 Cr.P.C. denied the allegations of the prosecution and pleaded false implication.

7. In defence evidence, accused tendered the following documents:-

Ex.D1 Copy of judgment dated 23.2.2006.

Ex.D2 Copy of judgment dated 24.3.1999.

Ex.D3 Copy of the order dated 12.01.2000.

8. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Additional Chief Judicial

Magistrate, Rewari vide judgment and order of sentence dated 06.02.2007 as under:-

| Offences under Section | Sentence              | Fine           | In Default                       |
|------------------------|-----------------------|----------------|----------------------------------|
| Section 323/325 IPC    | RI for 03 Months each | -              | -                                |
| Section 325/34 IPC     | RI for 02 Years each  | Rs.1000/- each | To undergo RI for 03 Months each |

Both the sentences were ordered to run concurrently.

9. The accused/respondents preferred an appeal which came to be allowed by the Court of Additional Sessions Judge, Fast Track Court, Rewari vide judgment dated 08.07.2009 acquitting the accused/respondents thereby reversing the judgment of conviction.

9. The aforementioned judgments are under challenge in the present revision petition.

10. The Counsel for the petitioner-State contends that the judgment of acquittal is based on conjectures and surmises. The medical evidence is totally in consonance with the ocular account. The offence stands established beyond reasonable doubt. Therefore, the present petition may be allowed and the sentence imposed by the Trial Court may be upheld and restored.

11. The Counsel for the respondents (acquitted accused) on the other hand contends that there are serious contradictions in the statements of witnesses regarding the injuries caused by the accused. There are other contradictions as well between the statement of PW-3 Jit Ram and PW-4 Kishan Lal. The occurrence took place at 7.30 am but the medico legal examination took place at 10.30 am and as per doctor the duration of injuries was 06 hours. This clearly falsifies the prosecution case. He thus contends that the present revision petition is liable to be dismissed.

12. I have heard counsel for the parties.
13. A perusal of the facts and circumstances would reveal that there are contradictions between the statements of PW-3 Jit Ram and PW-4 Kishan Lal regarding the injuries caused. The occurrence took place at 7.30 am but the medico legal examination was conducted at 10.30 am but the doctor who conducted the medico legal examination of injuries has recorded the duration of the injuries as 06 hours prior to the time of examination which certainly creates a doubt in the prosecution case. The case of the prosecution is based upon the solitary statement of the injured alone. In the attending facts and circumstances and the serious contradictions appearing in his statement the evidence on record is not sufficient to convict the accused.
14. In view of the above, I find no merit in the present petition and the same stands dismissed.

( JASJIT SINGH BEDI )  
JUDGE

May 20, 2025  
Vinay

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |