



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

CRR-1625-2015

Date of decision: 09.01.2025

GURPREET SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.S. Gahlawat, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.
Ms. Gagandeep Kaur, Advocate for respondent Nos.4 to 6.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 16.08.2011 passed by learned Sub Divisional Judicial Magistrate, Dhuri as well as impugned judgment dated 03.06.2014 passed by learned Sessions Judge, Sangrur, whereby respondent Nos.2 to 8 have been acquitted by both the Courts below.

2. Briefly, as per the story of the prosecution, on 02.02.2008 at about 12:30 PM, when he along with one Jasvir Singh was admitted in the hospital due to dispute in his village, accused/private respondents along with some other persons armed with their respective weapons i.e. swords, rods, sticks and double barrel gun came there and gave beatings to him due to old personal grudge. Hence the FIR (supra) was registered against the accused persons.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that the prosecution has failed to prove the guilt of the accused persons beyond the shadow of reasonable doubt as the statement of the complainant is not corroborated by the eye witness/injured Jasbir Singh. In fact, injured Jasbir Singh while appearing as DW-1, falsified the prosecution version. There are



material discrepancies in the statements of the prosecution witnesses. Further, the investigating officer has also not been examined. Moreover, the complainant/petitioner stated that at the time of incident, his clothes were stained with blood and the police had taken into possession the same, however, the same were not produced in the Court and no evidence with regard to the same was placed on record. As such, only vague allegations have been levelled against the private respondents and the prosecution has failed to prove its case beyond the reasonable shadow of doubt.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (*See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division Bench of this Court in the judgment passed in *State of Haryana vs. Ankit and others passed CRM-A No.3 of 2022 decided on 06.07.2023* has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference. Accordingly, the present revision petition is dismissed.

January 09, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |