

**CRR-358-2014 (O&M)****-1-****(202)****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-358-2014 (O&M)****Date of Decision:-30.01.2025****JAGJIT SINGH****.....Petitioner****VERSUS****STATE OF PUNJAB & ANOTHER****.....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.**CRM-3403-2014**

The present application has been filed by the applicant-petitioner for condonation of delay of 20 days in filing the revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 20 days is hereby condoned.

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The present revision petition has been filed against the judgment dated 26.09.2013 passed by the Sessions Judge, Moga, vide which the appeal preferred by the petitioner/complainant against the judgment of acquittal dated 28.09.2011 passed by the Judicial Magistrate, 1st Class, Moga has been dismissed.

2. The FIR in the present case came to be registered on



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04.07.1995. The judgment of acquittal was passed on 28.09.2011 by the Judicial Magistrate, 1st Class, Moga. The appeal filed against the said order of acquittal was dismissed on 26.09.2013 by the Sessions Judge, Moga. The instant revision petition was filed on 17.01.2014 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 respondent No.2-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.

Respondent No.2-Joginder Singh was a declared a proclaimed offender during the trial. Respondent No.2 who was earlier declared a proclaimed offender appeared before the Trial Court and on being put to trial, he was acquitted of the charges framed against him vide judgment dated 28.09.2011 by the JMJC, Moga. Thereafter, an appeal was filed by the petitioner/complainant which came to be dismissed by the Court of Sessions Judge, Moga vide judgment dated 26.09.2013.

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

6. 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 judgments passed by the Trial Court and Lower Appellate Court was liable to be set aside and respondent No.2-Joginder Singh be convicted of the offences committed by him.

7. 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.

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

9. 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.

10. 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