



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

CRR-3140-2017 (O & M)
Date of decision: 15.05.2025

MANJIT KAUR

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mansur Ali, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 23.03.2016 passed by learned Judicial Magistrate Ist Class, Rupnagar as well as impugned judgment dated 19.05.2017 passed by learned Additional Sessions Judge, Rupnagar, whereby respondent Nos.2 to 7 have been acquitted by both the Courts below.

2. The prosecution version is that on 03.07.2009, the complainant/petitioner stated that on 01.07.2009 at about 8:00 AM, due to some property dispute, the accused persons misbehaved with her, gave her injuries and threatened to kill her. Hence, FIR in question was got registered.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that there is no medical evidence on record to prove the injuries allegedly given by the accused persons to the complainant/petitioner. Further, it appears that the civil litigation is reason behind the enmity between the parties and the present case is a counter-blast to that civil litigation. Furthermore, there are material discrepancies in the statements of prosecution witnesses with regard to place of occurrence. Moreover, the persons, who witnessed the incident were not



examined, therefore, there is no independent witness to corroborate the version of the prosecution. Further, no weapon of offence was recovered from the accused persons. 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 of *State of Haryana vs. Ankit and others* passed in 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 Courts below, which warrants any interference. Accordingly, the present revision petition is dismissed.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

May 15, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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