



**CRR-3289-2018 (O&M)**

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**113+253 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH**

**CRR-3289-2018 (O&M)**

**Date of Decision: 05.02.2025**

**SUKHDEV SINGH**

**...Petitioner**

**V/S**

**STATE OF PUNJAB AND OTHERS**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Fateh Sahota, Advocate of Mr. S.S. Ranghi, Advocate  
for the applicant-petitioner.

Mr. Nitesh Sharma, DAG Punjab.

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**HARPREET SINGH BRAR J. (Oral)**

**CRM-18164-2024**

This is an application filed under Section 482 of Cr.P.C. for  
impleading LR's of the petitioner Sukhdev Singh.

Allowed as prayed for and LR's of petitioner-Sukhdev Singh  
are impleaded in the present case. Memo of parties is taken on record.

**CRM-34868-2018**

This is an application under Section 5 of the Limitation Act  
seeking condonation of delay of 69 days in filing the revision petition.

For the reasons mentioned in the application, same is allowed  
and delay of 69 days in filing the main revision petition is condoned.

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1. This revision petition has been filed by the petitioner against  
the judgment of acquittal dated 29.03.2017 passed by learned Judicial  
Magistrate Ist Class, Rupnagar and the said judgment was upheld by  
learned Sessions Judge, Rupnagar vide judgment dated 15.02.2018.

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2. Prosecution story projected against private respondents Gurmukh Singh and Harchand Singh before the trial court was that on 05.08.2012 at about 4.00 p.m., complainant Sukhdev Singh along with his daughter-in-law Manpreet Kaur, were working in their fields. Accused Gurmukh Singh and Harchand Singh armed with sticks along with accused Kala Singh and Prem Singh (since declared juvenile in conflict with law) came there and inflicted injuries on his person. Harchand Singh gave *gandasi* blow from its reverse side on his person. His daughter-in-law brought him back to the house from where he was shifted to the hospital in an ambulance. Accused even abused his daughter-in-law. The complainant was medico legally examined. As no cognizable offence was made out, therefore, Daily Diary Report was lodged on the statement of Sukhdev Singh. Then on 11.08.2012, complainant Sukhdev Singh moved application to Senior Medical Officer, Civil Hospital, Rupnagar complaining pain on his left wrist. Additional medico legal examination report was prepared by mentioning one more injury on left forearm. X-ray was conducted. Fracture of wrist was found. The police obtained various medical opinions and ultimately lodged FIR under sections 323, 325, 34 IPC. ASI Harbans Singh conducted investigation. He went to the place of occurrence and prepared its site plan. Accused were formally arrested. As Kala and Prem Singh were declared juvenile in conflict with law, they were sent for trial by the Juvenile Justice Board whereas present accused-respondents No. 2 and 3 were challaned to face trial by the Judicial Magistrate Ist Class.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that

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learned Court below has opined that there was no external mark of injury at the seat of injury No. 1 to 4 which were reflected in first MLR dated 05.08.2012. X-ray was also conducted, but no internal damage was found, meaning thereby that none of these injuries can be said to be covered within the definition of hurt as explained in Indian Penal Code and once, neither there was any external mark of injury nor any internal damage, they cannot be termed as injuries. PW-3 Dr. Gurvinder Kaur admitted that these were superficial injuries and as regards injury No. 5, it was proved to be a manipulated one. X-ray examination of left arm was conducted on 06.08.2012, but no bony injury was found, but later the complainant moved application on 11.08.2012 pretending pain and thereafter fracture was detected. As such, this injury can be said to be manipulated at a later stage to falsely implicate the private respondents. During cross-examination Dr. Gurvinder Kaur admitted that immediately on medical examination of the injured on 05.08.2012, X-ray was conducted and no bony injury was found. She further deposed that except complaint of pain at the seat of injuries recorded in the MLR of 05.08.2012, Sukhdev Singh did not complain pain at the seat of injury No. 5, there was no such injury. Learned Court below also doubted of false implication of the accused-private respondents as a counter blast to the case registered against complainant Sukhdev Singh one day before registration of FIR. Thus, viewing these undisputed facts, learned Court below rightly acquitted the private respondents.

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



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towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (See **H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. 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 facts and circumstances of the case, 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 interference by this Court. As such, there is no merit in the present petition and hence, the revision petition is dismissed.

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

(HARPREET SINGH BRAR)  
JUDGE

05.02.2025  
Ajay Goswami

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