



CRA-AD-190-2024 (O&M)

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

Sr. No.203-1

CRA-AD-190-2024(O&M)
Date of decision : 19.02.2025

SUKHWINDER SINGH AND ORS

..... Appellants

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Sukhwinder Singh Kamboj, Advocate for the
appellants.

Ms. Amrita Garg, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

CRM-29118-2024

Application for condonation of delay of 02 days in filing of appeal is
allowed, and accordingly delay is condoned.

CRA-AD-190-2024

1. This is an appeal against acquittal for offence under Section 307 IPC
vide which the learned Sessions Judge has convicted and sentenced the accused-
appellants for offences under Sections 323, 325, 452, 506 read with Section 34
IPC, as it was found that none of the injuries was stated to be dangerous to life nor
has been caused by any sharp weapon.

2. Learned counsel for the appellants has vehemently argued that since
the injuries were caused on the vital part, the offence under Section 307 is clearly
made out and they should have been convicted for the said offence. He also relied
on the judgment passed by Hon'ble Supreme Court in ***Ratan Singh Vs. State of
M.P. and Anr. 2009 (12) SCC 585*** to submit that there was an intention to kill and
cause death, and in view thereto, offence under Section 307 is found clearly to



CRA-AD-190-2024 (O&M)

3. We have considered the submissions.
4. The appeal against acquittal has to be examined taking into consideration all the aspects and the manner in which the evidence has been brought before the Court. It has been found that there was no independent witness examined on behalf of the prosecution to prove the allegations. So far as the injured witnesses are concerned they have given different versions with regard to the weapon used by some of the accused as PW-1 and PW-2 initially stated that iron rod was used but subsequently they have changed their version to lathi having been used by the assailants. The trial Court has examined threadbare the statements recorded during trial and the statements of the doctors who have treated the injured and none of the doctors stated that the injuries were such which can be said to be dangerous to life while certain injuries have been held to be grievous in nature for which the trial Court has already convicted the accused for offence under Section 325 IPC. We also notice that the complainants were also not given the proof of any such obvious intention of the assailants to cause death to any of the injured persons and the motive shown was the revenge of earlier case of beatings given by the complainants to the members of the assailant party. Thus, it is the case of cross-version filed with regard to similar injuries caused. We therefore, do not find it a case for intervention and do not find it a fit case to accept the appeal. The appeal stands **dismissed** accordingly.
4. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(KIRTI SINGH)
JUDGE

19.02.2025
Kavita
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No