



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

**CRM-36664-2024 in/and
CRR-1738-2024 (O & M)
Date of decision: 08.01.2025**

Pritam Singh

...Petitioner

V/S

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Barnala, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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For the reasons mentioned in the application, the same is allowed.

Delay of 79 days in filing the present revision petition stands
condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 04.10.2018 passed by learned Judicial Magistrate Ist Class, Barnala as well as impugned judgment dated 09.02.2024 passed by learned Additional Sessions Judge, Barnala, whereby respondent Nos.2 to 5 have been acquitted by both the Courts below.

2. Briefly, as per the story of the prosecution, on 16.09.2012 a telephonic message was received from Police Station Bhadaur regarding admission of Pritam Singh son of Mohinder Singh at Civil Hospital, Bhadaur in injured condition and thereafter, he was referred to Civil Hospital, Barnala and one telephonic message was received from father of Pritam Singh to the



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effect that his son Pritam Singh was admitted in Civil Hospital, Barnala in injured condition. Thereafter, ASI Satpal Singh along with other police party went to civil hospital, Barnala, where doctor declared the injured unfit to record the statement. Thereafter complainant Pritam Singh got recorded his statement to the effect that he is a carpenter and his shop is situated at Dhaunda Patti Sehna. He further stated that a dispute was going on between him and his wife since long time and his wife had gone to her paternal house one week ago at Barnala. On 16.09.2012 at about 12.00 Noon, he was present in his shop and two unknown persons came in his shop and asked him to go to canal bus stand for showing them wooden work done by him. He refused to go to canal bus stand with them because he was busy. He further stated that after 10 minutes three unknown persons came in his shop along-with weapons and gave injuries to complainant. After recording the statement of complainant, investigating officer carried out police proceedings and sent the same to police station on the basis of which FIR was registered against the accused persons u/s 452/323/34 IPC.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that there is no evidence on record which could prove that the complainant took the shop on rent and accused/private respondents entered in that shop with intention to commit an offence and caused injuries to him. The version of the complainant itself falsifies the prosecution story. Further, the complainant in his statement did not mention the name of accused persons but in his examination-in-chief, he deposed the name of accused persons and that specific injuries were caused to him by them, which means that the complainant made improvements in his



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version and has no value in the eyes of law. 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.

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

January 08, 2025
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(HARPREET SINGH BRAR)
JUDGE

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