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2025:PHHC:078932-DB



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

CRA-AD-77-2022 (O&M)

Date of decision: 03.07.2025

Baljit Kaur

...Appellant

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. J.S.Mahal, Advocate
for the appellant.
Mr. A.S.Pannu, AAG, Punjab.

DEEPAK MANCHANDA, J.

The present appeal has been filed against the judgment of acquittal dated 19.08.2021 passed by learned Sessions Judge, Gurdaspur in a case bearing FIR No. 28 dated 23.05.2018 registered at Police Station Kahnuwan under Sections 302, 506 and 34 of the Indian Penal Code, 1860 (for short 'IPC'), where respondent Nos.2 and 3 were acquitted.

2. The facts in brief emanating from the pleadings of the present appeal are that the appellant/complainant, namely, Baljit Kaur, got her statement recorded, which led to registration of the present FIR alleging therein that on 23.05.2018, she, along with her husband and son, went to Baba Takhia to serve Langar. In the meantime, both the accused, namely Santokh Singh, armed with a danda, and Jasbir Singh, also known as Bittu, empty-handed, came there and said that they would teach them a lesson for serving Langar at

the place of Peer Baba. It is alleged that accused Santokh Singh gave a danda blow on the head of the complainant's husband, Chanchal Singh, who, on receipt of the same, fell. Thereafter, accused Jasbir Singh, also known as Bittu, took the danda from Santokh Singh and attempted to hit the complainant; however, she managed to evade the blow, and the danda struck Santokh Singh on the head. The complainant and her son raised alarm, and on hearing the same, the complainant's daughter-in-law and other people gathered at the spot, and the accused fled away from the place along with a danda while hurling threats at them.

3. On registration of the said FIR, investigation was carried out and a challan under Section 173 Cr.P.C. was presented before the Court. Finding a *prima facie* case under Sections 302 and 506 IPC, the case was committed to the Court of Sessions. Charges were framed under the aforementioned sections against both accused, who pleaded not guilty and claimed trial.

4. The prosecution examined as many as 11 witnesses, including Harpreet Kaur, daughter-in-law, as PW-1, complainant Baljit Kaur as PW-2, IO Surinder Pal as PW-3 and Dr. Parminder Singh as PW-10. Along with other exhibits, the report of the chemical examiner/ Histopathology and the opinion of the doctor were also tendered in evidence as Ex. P-23 and P-24, respectively.

5. Statements of both the accused were recorded under Section 313 Cr.P.C., wherein they denied the allegations levelled against them by the prosecution and pleaded their innocence and false implication in the present case. No witness was also examined in their defence.

6. The trial Court, after considering the medical evidence produced, i.e. report of chemical examiner/Histopathology (Ex. P-23) and opinion of the

doctor (Ex. P-24), held both the accused not guilty of the offence punishable under Sections 302 and 506 IPC and acquitted them.

7. The learned counsel for the appellant contends that the trial Court did not appreciate the evidence produced by the prosecution and acquitted the accused/respondent Nos . 2 and 3 based on conjectures and surmises. The material witnesses had duly supported the prosecution version, which had not been objectively considered in its proper perspective. The trial Court, while discarding the eyewitness account, has erroneously proceeded to acquit the accused/respondents Nos. 2 and 3 based on the medical evidence produced.

8. We have heard counsel for the appellant and have reviewed the Lower Court record.

9. The sole question that requires consideration by this Court is whether the impugned judgment of acquittal requires interference.

10. PW-2 Baljit Kaur, wife of the deceased, authored the complaint on which the FIR in the present case was registered. According to the allegations, on 23.05.2018, she went with her husband and son to Baba Takhia to serve Langar. The accused, namely Santokh Singh, was armed with a danda and Jasbir Singh, also known as Bittu, came empty-handed and said they would teach them a lesson for serving Langar at Peer Baba's place. Santokh Singh struck a danda blow on her husband Chanchal Singh's head, causing him to fall. Then, Jasbir Singh took the danda from Santokh Singh and tried to hit the complainant; however, she managed to evade the blow, which struck Santokh Singh instead. The complainant and her son raised an alarm, and upon hearing it, her daughter-in-law and other people gathered at the scene. The accused fled from the spot with the danda, while threatening them. Harpreet Kaur, the

complainant's daughter-in-law and PW-1, stated that on 23.05.2018, she, her husband Manpreet Singh, her father-in-law (deceased), and her mother-in-law (the complainant), went to Baba Takhia in village Tugalwal to serve Langar, where the incident occurred as described.

11. A review of the depositions of PW-1 and PW-2 reveals significant contradictions. PW-1 states she was with her in-laws when the incident occurred on 23.05.2018, whereas PW-2 (the complainant) explicitly mentioned in her FIR that she, along with her husband and son, went to Baba Takhia, Tugalwal, to serve Langar. She further stated that when the incident happened, her daughter-in-law Harpreet Kaur (PW-1) and others gathered at the scene upon hearing the noise.

12. The trial court also noted that Manpreet Singh, the son of the deceased and husband of PW-1-Harpreet Kaur, who was allegedly present at the scene, did not appear to testify because he has gone to Dubai and there is no likelihood of his returning anytime soon.

13. The material contradiction between the statements of PW-1 and PW-2, along with the fact that Manpreet Singh (husband of PW-1), who was allegedly present at the scene but did not come forward to record his statement, raises doubts about the veracity of PW-1 and PW-2's testimonies. This suggests that in order to compensate for Manpreet Singh's absence and to support PW-2's (the complainant's) alleged eyewitness account, PW-1 has been portrayed as an eyewitness to the incident.

14. Further, a perusal of the testimony of PW-10 Dr. Parminder Singh, Medical Officer, who conducted postmortem on the dead body of Chanchal Singh, shows that neither any appreciable identifiable or palpable mark of

injury was present over the scalp of the body nor any swelling was present over the outer and inner aspects of the scalp. It was further reported that no fracture was present over the outer part of the skull, the inner part of the vault and the base of the skull. It was further opined that on thorough dissection of the skull, neither any appreciable mark of injury was seen nor any subdural haematoma, sub arachoid haemorrhage or any haematoma was seen in brain tissues.

15. PW-10 Dr. Parminder Singh, while reviewing the report of the Chemical examiner and Histopathology, opined that no injury to the head and scalp was found, and natural disease may be the cause of death in this case.

16. The trial court also noted that PW-2 Baljit Kaur, during her cross-examination, stated that blood did not pour onto the earth. It was further observed that PW-3 SI Surinder Pal Singh (IO) mentioned that he saw the injury when the dead body of deceased Chanchal Singh was taken into custody. However, he did not clarify whether the injury was an open wound with blood oozing out or if there was a lump on the deceased's head. Due to the lack of concrete ocular evidence from PW-2 and PW-3 regarding the injury, the trial court had no choice but to rely on the medical evidence provided by PW-10 Dr. Parminder Singh.

17. PW-2 Baljit Kaur stated in her statement that Jasbir Singh took a danda from Santokh Singh and tried to hit her, but she managed to escape, and the blow hit Santokh Singh on the head. It has also not been established whether Santokh Singh received any injury or underwent any medical examination.

18. It is well settled that in any criminal case, the burden of proof is on the prosecution to prove the case beyond reasonable doubt to secure conviction

of the accused, that is to say that no reasonable doubt can be said to have arisen in the judicial mind of the Court after appreciating the evidence presented, and the outcome reached by the prosecution is the only possible outcome in the given facts and circumstances of the case.

19. Medical evidence is crucial in identifying the accused and determining the cause of the crime, serving as a check on eyewitness testimony. Medical science provides insights into how death or the crime occurred. Dr. Parminder Singh (PW-10) has explicitly stated that no noticeable, identifiable, or palpable injury marks were present on the scalp of the body, nor was there any swelling on the outer or inner aspects of the scalp. No fracture was found on the outer skull, inner vault, or skull base. During a detailed dissection of the skull, no significant injury marks, subdural haematoma, subarachnoid haemorrhage, or haematoma were observed in the brain tissues. Similarly, thorough examination of the brain revealed no noticeable injury or haematoma.

20. Thus, the findings recorded by the learned trial do not suffer from illegality or perversity. In a criminal matter, whenever doubt is cast upon the prosecution's case, the accused is entitled to the benefit of such doubt. After examining the depositions of the prosecution and defence witnesses, the trial court held that the prosecution had failed to prove the charges regarding the offences levelled against the accused and acquitted them of the charges.

21. In an appeal filed against an acquittal, the appellate Court has to examine whether the findings of the Court are perverse and *prima facie* illegal. Once the appellate court finds that the grounds on which the judgment is based are not frivolous, the scope of the appeal filed against acquittal is limited,

considering that the trial court's finding further strengthens the legal presumption of the accused's innocence. At this point, it is imperative to consider the decision of the Hon'ble Supreme Court in the case of ***Mrinal Das v. State of Tripura, (2011) 9 SCC 479***, wherein it has been observed as follows:-

“13. It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order, interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, it being the final Court of fact, is fully competent to re-appreciate, reconsider and review the evidence and take its own decision. In other words, the law does not prescribe any limitation, restriction, or condition on the exercise of such power, and the appellate Court is free to arrive at its conclusion, keeping in mind that acquittal provides a presumption in favour of the accused. The presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent unless he is proved guilty by the competent Court. If two reasonable views are possible on the basis of the evidence on record, the appellate Court should not disturb the findings of acquittal.

14. There is no limitation on the part of the appellate Court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate Court can also review the conclusion arrived at by the trial court with respect to both facts and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate Court to marshal the entire evidence on record and only by giving cogent and

adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference....."

22. Similarly, in the case of ***Ghurey Lal v. State of Uttar Pradesh, (2008) 10 SCC 450***, the Hon'ble Supreme Court reiterated the same view and observed as follows:

"75. The trial court has the advantage of watching the demeanour of the witnesses who have given evidence, therefore, the appellate Court should be slow to interfere with the decisions of the trial court. An acquittal by the trial court should not be interfered with unless it is totally perverse or wholly unsustainable."

23. Thus, the judgment of acquittal is to be interfered with only for compelling and substantial reasons. In case the impugned judgment is unreasonable, it would be a compelling reason for interference. Still, where there is no perversity in the finding of the impugned judgment of acquittal, the appellate Court must not take a different view only because another view is possible. This is because the trial Court has the privilege of seeing the demeanour of witnesses and, therefore, its decision must not be upset in the absence of strong and/or compelling grounds.

24. Considering the medical evidence and material contradictions in the testimonies of PW-1 and PW-2, this Court does not find it appropriate to interfere with the well-reasoned judgment delivered by the trial Court.

25. Given the above, we do not find any illegality or perversity in the

findings recorded by the trial Court. Therefore, the application seeking a grant of leave to appeal is dismissed, and leave to appeal is declined.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

03.07.2025

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Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No