



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR-3163-2019 (O&M)

Date of decision: 10.03.2025

Charanjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chetan Goyal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Amandeep Singh Jawandha, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. The present revision petition has been preferred against the judgment dated 29.07.2019 passed by learned Additional Sessions Judge, Patiala, vide which respondents No.2 and 3 have been acquitted from the charge framed against them in FIR No.67 dated 21.07.2016 registered under Sections 353, 332, 341, 186, 506, 34 IPC at Police Station Bakshiwala.

2. Briefly stated, the facts of the case of prosecution are that on 21.07.2016, Charanjit Singh, Secretary of Hiyana Kalan Co-operative Society, was working in the office when accused Bhupinder Singh demanded the society's records. Upon the



complainant's refusal, Bhupinder Singh attempted to snatch the records, leading to a scuffle. During the altercation, Bhupinder Singh punched the complainant in the face, injuring his lip and left eye, and also pulled him by his beard. Chaini Singh, the accused's son, attempted to strike the complainant with a spade but missed. The complainant was rescued by Gulzar Singh and was taken to the hospital for treatment, where he remained admitted for 3-4 days. Thereafter, the FIR (supra) was registered. Investigation was brought into motion. Statements of witnesses were recorded. Accused were arrested and after completion of investigation challan was prepared and presented in the Court.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the main reason for the acquittal of the accused Sukhchain Singh @ Chaini is the lack of sufficient evidence to prove his presence at the scene of the incident or his involvement in the commission of the alleged crime. While the prosecution has provided sufficient evidence to establish that the complainant sustained simple injuries due to blunt force caused by accused Bhupinder Singh, there is no adequate evidence to prove the presence of Sukhchain Singh at the scene or his participation in the assault. The prosecution's case, although supported by witness testimonies and medical evidence, failed to establish the direct involvement of Sukhchain Singh. Specifically, there is no evidence to suggest that he was present at the time of the incident or that he had any role in the assault, including the use of the spade (kahi) that



was allegedly aimed at the complainant. As a result, the accused Sukhchain Singh was acquitted of the charges framed against him whereas Bhupinder Singh was released on probation.

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. Furthermore, the learned Court below 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 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 Court below.

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 Court below which warrants interference by this Court. As such, there is no



merit in the present revision petition and hence, the same is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

10.03.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No