



CRR-2695-2024 (O&M)

1

269 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2695-2024 (O&M)
Date of Decision: 27.01.2025

BALDEV SINGH ...Petitioner

Versus

SUKHDEV SINGH AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Harpreet Singh Brar, J. (Oral)

CRM-51187-2024

This is an application under Section 5 of the Limitation Act for
condonation of delay of 04 days in filing the accompanying revision petition.

For the reasons mentioned in the application, same is allowed and
delay of 04 days in filing the revision petition is condoned.

CRR-2695-2024

1. This revision petition has been filed against the judgment dated
07.09.2024 passed by learned Sessions Judge, Fazilka vide which the judgment
of acquittal dated 24.08.2021 passed by learned Judicial Magistrate Ist Class,
Jalalabad (W) has been upheld.
2. FIR in this case was got registered on 03.07.2017 by complainant-
injured Baldev Singh stating that he worked as an Accountant. He was having
land measuring 01 acre 11 marlas situated at village *Chack Singhewala*. On
26.05.2017 at about 8.15 am, he went to meet his mother Rattan Kaur. His
brother Sukhdev Singh took altercation with him saying that who was he to
enter his property? His wife Pooja Rani told him to catch hold him

Sukhdev Singh picked up an axe (kulhadi) and gave its blow hitting little finger of his right hand. When he tried to get back, Sukhdev Singh gave another blow from reverse side of kulhadi hitting his head. Then he came out of his house, where Balkar Singh was standing, who took care of him after arranging for a vehicle and took him to Civil Hospital, Fazilka, where he was provided medical treatment. The motive behind the occurrence was that he had gone to meet his mother to talk about partition of land and due to that grudge, Sukhdev Singh caused him injuries. On the basis of said statement, FIR in the present case was registered.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that learned Court below has opined that there is an inordinate delay of 01 month and 11 days in lodging the FIR because as per the prosecution version, alleged occurrence took place on 26.05.2017 and FIR was registered on 03.07.2017 and no explanation was given regarding such a long delay in lodging the FIR. Moreover, the alleged eye witness-Balkar Singh was proved to be an interested witness being brother-in-law of complainant and in order to counter the version of complainant and Balkar Singh, accused-respondent examined DW-1 Jaswinder Singh Ex. Memer of Panchayat, who deposed that at the time of alleged occurrence, Sukhdev Singh, Balkar Singh and their mother were present and no other person was present there nor any of them received any injury, though this witness stated that both the brothers scuffled with each other. As such the defence plea raised by the accused person was found to be more probable. Learned Court below further found that PW-6 Mohinder Singh stated that the distance from place of occurrence to Civil Hospital, Jalalabad is 12-13

is 22-23 kms and in normal circumstances, when a person receives injuries at the hands of another person, he would prefer to firstly go to nearby hospital for his treatment instead of visiting the distantly placed hospital. It was also concluded that other witnesses had also stated that only a minor scuffle took place between both the brothers and no injury by means of kulhadi was caused by Sukhdev Singh to Baldev Singh.

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 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 lower Appellate Court 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

27.01.2025
Ajay Goswami

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