



**110 (02 case) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-A-757-MA-2007

Date of Decision:21.04.2026

Veer Bhan

...Appellant

Vs.

Poonam Chand and Ors.

...Respondents

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present: Mr. Sarun Hans, Advocate
for the appellant.

Mr. Partap Singh Gill, Advocate as
Amicus Curiae for the respondents.

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment 03.10.2007, passed by the Court of Sessions Judge (Fast Track Court), Hisar whereby, the private respondents were ordered to be acquitted of the charge.

2. The brief facts of the present case are disclosed by Veer Bhan in the complaint Ex.P-6 that the complainant is the permanent resident of Village Sundawas. A criminal case in which Poonam is a complainant and Maha Singh and Dariya Singh real brothers of the complainant is pending under Sections 307, 34 IPC and 25, 54, 59 of Arms Act in the court of Learned Additional Sessions Judge, Hisar, in which it has been alleged that on the last Gram Panchayat election Maha and Dariya Singh fired shots upon the opposite party. There are inimical relations in between complainant and the accused party. The minor son of Poonam Chand namely Anil had also met with an accident for which claim petition was filed against Dariya Singh brother of Veer Bhan present complainant and the same was dismissed by the court of MACT, Hisar.

On this score, Poonam Chand has developed an enmity against the family of the



complainant. That on 29.03.2000, complainant Veer Bhan had gone to village Siswal along with his wife Tara Devi in his relations and was returning on a scooter with his wife at about 6/6:30 PM. When the complainant reached at a distance of one K.M from Sundawas village abadi, all the accused namely Poonam armed with an iron rod, Dharam Pal, Mewa Singh armed with a *gandasi* came out of a nearby field suddenly and got stopped his scooter. They asked Tara Devi wife of Veer Bhan to remain away and not to intervene. As soon as the complainant stopped his scooter and parked it on its stand, Poonam gave one blow with the iron rod on the head of the complainant Veer Bhan. Veer Bhan retaliated upon this and took a small *danda* tied with the rear seat of the scooter and started to give blows in his self-defence. In the mean time, Poonam gave another iron rod blow on the head of the complainant. On receipt of head injury, the complainant fell on the ground. Dharam Pal accused gave a *gandasi* blow from its reverse side on the head of the complainant. Mewa Singh accused also gave *gandasi* blows from its reverse side on the right side of the chest of the complainant. On seeing the sudden attack by the accused on the complainant, his wife Tara Devi raised the alarm to save her husband from the clutches of the accused. On hearing her alarm, Surrender son of Shobat who was returning from the Dhani reached the spot. He was also having a lathi. Tara Devi also picked upon a *danda* lying in near by fields. Tara Devi and Surrender caused injuries to Poonam in private defence of Veer Bhan, complainant. But before reaching of Surrender on the spot and on seeing coming of Surrender, Dharam Pal and Mewa Singh accused had ran away from the spot with their respective weapons. Some villagers including Dariya Singh, brother of the complainant and the farmers from the nearby fields had gathered on the spot.



Both the injured Poonam as well as Veer Bhan were brought to Civil Hospital, Hisar. Veer Bhan was medico legally examined by the Medical Officer of Government Hospital, Hisar. Thereafter, he was referred to PGI, Rohtak for further treatment. But complainant Veer Bhan was shifted to CMC, Hospital at Hisar where his injuries were X-rayed, CT-scanning was done. He was treated by Dr. B.B. Banga, Surgeon, and radiologically examined by Dr. Anita Yadav. There were multiple injuries as per the MLR report on the scalp as well as on the chest of the complainant. As per the X-ray report there were fractures on the ribs of the right side of the chest and there was fracture in the occipital bone of the head. After receipt of injuries, the complainant remained unconscious and in semi conscious condition. However, one officer from Police Station Sadar, Hisar reached the CMC, Hisar. He just interrogated the complainant and did not record any statement. He took some signatures of the complainant on some blank papers. He assured the complainant to take proper action against the accused by filing a cross case against the accused.

3. In the present case, the respondents were summoned by the Judicial Magistrate Ist Class, Hisar under Sections 323,325 r/w Section 34 IPC. However, the connected case was pending before the Court of Sessions, the present case was also committed.

4. After completion of investigation, the final report under Section 173 Cr.P.C was presented against the respondents before the Court of Area Magistrate.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 323,325 r/w Section 34 of IPC was made out against the respondents and they were charge-sheeted



accordingly. However, they pleaded not guilty and claimed to be tried by the Trial Court.

6. In order to prove the charge against the respondents, the prosecution examined 04 witnesses. Dr. B.L Bagri as PW1, PW-2 Dr. Brij Bhushan Banga, PW-3 Veer Bhan and PW-4 Surender and thereafter, the prosecution evidence was closed.

7. After the closure of the prosecution evidence, the statement of respondents were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case.

8. Accused also tendered into evidence a certified copy of bail application dated 04.05.2000, under Section 439 Cr.P.C. Ex.DB decided on 15.5.2000 and relied upon the following documents:- Ex.DA Photocopy of MLR of Veer Bhan, Ex.D1 Statement of Veer Bhan, Ex.DB Copy of Judgment.

9. Learned counsel appearing on behalf of the appellant has vehemently argued that the Trial Court wrongly held that the complaint was delayed by 35 days without any explanation. In fact, the appellant had explained the circumstances, which led to delay of filing of the complaint in the present case. Still further, it was wrongly held that the present complaint case was a counterblast to the police case registered on the statement of Poonam Chand. Further, the Trial Court had completely overlooked the MLR of the appellant, which was duly proved by PW-1 Dr. B.L Bagri. Even the said injury could not have been self-suffered. Thus, the trial Court had completely overlooked the evidence in the present case.



10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, I agree with the findings recorded by the Trial Court that the defence version appeared to be more probable. In fact, for causing injuries to the accused side/Poonam Chand, the appellant and other accused have already been convicted by the Trial Court. Even, the incident had taken place at 06:30 P.M on 29.03.2000 and Poonam Chand, accused and the appellant had sustained injuries in the said incident. Even, the complaint was filed after a long delay of 35 days as a cross version in the shape of FIR No.189 dated 30.03.2000, under Sections 307,323,324 of IPC, Police Station Sadar, Hisar was ordered to be registered against the present appellant and other co-accused. Even, the injuries suffered by Poonam Chand could not be explained by the prosecution in the present case. Apart from that, even the version which was mentioned in the complaint was apparently afterthought and was improved by the complainant, while filing the complaint before the Trial Court. Even otherwise, I have gone through the findings recorded by the Trial Court and find that there is no illegality, perversity or infirmity in the impugned judgment passed by the Trial Court and the impugned judgment is ordered to be upheld.

12. It has been held by the Hon'ble Supreme Court in the matter of **“Bhaskarrao and others Vs. State of Maharashtra”, 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228** as follows:-

“14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the



*appellate stage, we need to keep in mind the views of this court as expressed in **Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974** -*

"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappraisal, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."

13.

15. In **Ramesh Babulal Doshi v. State of Gujarat, 1997(3) RCR**



(Criminal) 62 : 1996 CriLJ 2867, this Court observed:

"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."

14. In view of the above discussion, the present appeal fails and is accordingly ordered to be dismissed.

15. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.

16. The Trial Court record be sent back.

17. I record my appreciation for Mr. Partap Singh Gill, Amicus Curiae, who has rendered his able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee, as per rules and practices.

(N.S.SHEKHAWAT)
JUDGE

21.04.2026
hitesh

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