

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

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2026:PHHC:053826



CRA-AS-40-2022 (O&M)
Date of decision: 07.04.2026.

SANJEEV KUMAR

... Appellant(s)

VERSUS

RAMESH KUMAR AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sumeet, Advocate,
for the appellant.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment dated 20.03.2018 passed by the Additional Sessions Judge, Hoshiarpur, in case CIS No.217 of 2014 after a delay of 627 days. The reason given therein is that due to Covid – 2019, the delay occurred whereas it is evident that the judgment was passed in March, 2018, hence, the limitation had come to an end in June/July 2018 whereas Covid – 19 came in March 2020. The plea is thus invalid and false. Nonetheless the merits have been examined.

2 Further, the appeal had been filed in August 2021 and was listed in July 2022. Despite the appeal being listed, the counsel chose not to

appear. The position remained the same even on the next date of hearing. The adjourned date remained fruitless as counsel sought time. Counsel chose not to appear on the adjourned date or the one thereafter on 23.09.2025. Registry was directed to inform counsel for the appellant about the next date. It is reported by Registry that counsel has been informed, yet, the junior counsel prays for an adjournment.

3 It seems arguing counsel is not interested in arguing the appeal and is seeking multiple adjournments. The junior counsel appearing has thus been asked to advance arguments on merits so that the appeal is finally decided, noticing that arguing counsel could not spare time for over 04 years to prepare the case.

4 The instant appeal has been preferred by the complainant against the judgment dated 20.03.2018 passed by the Additional Sessions Judge, Hoshiarpur, in RBT Sessions case No.34 dated 21.10.2014/07.10.2016, CIS No.SC/217/2014 arising out of FIR bearing No.61 dated 24.05.2014, under Sections 308, 323 and 341 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Mukerian, District Hoshiarpur, whereby respondent No.1 to 3 had been acquitted of the charges framed against them under Sections 308, 323 and 341 read with Section 34 of the IPC.

5 Briefly stated, the present FIR was registered on the statement of complainant Sanjeev Kumar, son of Bachittar Ram, resident of village Abdulapur, Police Station Mukerian, District Hoshiarpur, who was working as a Sewadar in the Godra Co-operative Society, village Godra. As per the prosecution version, on 08.05.2014 at about 8:15 A.M., the complainant was

proceeding towards his place of duty on his Activa scooter. When he reached near Dera Gujjarn , a little ahead of village Godra, he noticed his brother Ramesh Kumar approaching from the opposite direction after dropping his niece at Mukerian School on his LML Vespa scooter bearing registration No. PB-07-AK-4303. As the complainant attempted to stop near his brother, a white Gypsy bearing registration No. PB-7Y-9966 allegedly arrived from their village side and stopped in front of the scooter of Ramesh Kumar, thereby obstructing his movement. It is alleged that several persons alighted from the said vehicle, including Ramesh Kumar son of Babu Ram, Jyoti son of Babu Ram and Varinder Kumar son of Dharam Pal, along with three unknown persons. The accused persons were armed with deadly weapons, including datar and baseball bats. It is further alleged that Jyoti raised a lalkara exhorting the others to catch hold of Ramesh Kumar and kill him, on account of a previous dispute relating to parking of a truck. Thereafter, Ramesh Kumar son of Babu Ram inflicted a blow with a datar on the complainant s brother, which struck him on the right cheek. Varinder Kumar delivered another datar blow from the reverse side, hitting near the right ear, followed by another blow on the right shoulder. Jyoti struck the complainant s brother with a baseball bat on the shoulder, while the unidentified persons also inflicted blows, including on his ribs. As a result of the assault, the injured Ramesh Kumar sustained multiple injuries, began bleeding profusely and fell to the ground. The complainant has further alleged that, as the accused persons were armed with weapons, he could not intervene. Upon raising an alarm, the accused fled from the spot in their vehicle while raising lalkaras. Shortly thereafter, another brother of the

complainant, namely Naresh Kumar and his nephew Sandeep Kumar reached the spot. The injured was then taken to Civil Hospital, Mukerian, where he was given first aid and in view of his serious condition, he was referred to DMC Hospital, Ludhiana, where he remained under treatment. The motive attributed to the occurrence is a prior altercation on 07.05.2014, when the accused persons, under the influence of liquor, had come in a Gypsy, abused the victim and threatened him over a dispute regarding parking of a truck in front of their house. It is further stated that the complainant remained engaged in the treatment of his injured brother for several days and thereafter approached the police with his statement. Upon recording of the statement, the same was read over and admitted to be correct, whereafter a ruqa was prepared and sent to the police station, on the basis of which the formal FIR in the present case came to be registered.

6 After completion of investigation and other necessary formalities, challan was presented before of Sub Divisional Judicial Magistrate, Mukerian, District Hoshiarpur, which was later on committed to the Court of Sessions.

7 After the parties had led their respective evidence, the matter was taken up for final arguments. Upon hearing the submissions advanced on behalf of the parties and appreciation of the oral as well as documentary evidence on record, the trial Court came to the conclusion that the prosecution had failed to establish its case beyond the shadow of reasonable doubt against respondents No. 1 to 3/accused. Accordingly, the trial Court recorded a finding that the evidence adduced by the prosecution was insufficient to bring home the guilt of the accused and, consequently,

extended the benefit of doubt in their favour, resulting in their acquittal of the charges framed against them.

8 Learned counsel appearing on behalf of the appellant contends that the learned trial Court has failed to appreciate the evidence on record in its true and proper perspective. It is submitted that the complainant Sanjeev Kumar (appellant herein), who was working as a Sewadar in the Godra Cooperative Society, village Godra, had categorically deposed that on 08.05.2014, he and his brother were subjected to assault by respondents No. 1 to 3. It is further contended that the version of the prosecution witnesses stands duly corroborated by the medical and official evidence on record, including the testimonies of PW4 Dr. Brijesh Singh, Medical Officer, Civil Hospital, Mukerian; PW9 Dr. Jagdeep Chaudhary, Medical Officer, Civil Hospital, Mukerian; and PW8 Dr. Manjot Bajwa, Resident Doctor, Dayanand Medical College and Hospital, Ludhiana. Learned counsel submits that the learned trial Court has committed a grave error in disbelieving and discrediting the testimonies of PW1 Ramesh Kumar, the injured victim and PW2 Sanjeev Kumar, the complainant, both of whom were natural and eye-witnesses to the occurrence. It is contended that their presence at the spot is undisputed and that they have consistently deposed regarding the manner of assault, including the fact that the accused were armed with deadly weapons such as datar and had inflicted blows upon the injured. It is thus argued that the rejection of their testimonies by the trial Court is erroneous and contrary to the settled principles governing appreciation of evidence, particularly in cases involving injured witnesses.

9 I have heard counsel appearing for the appellant and have gone

through the documents appended along with the present appeal including the judgment passed by the trial Court.

10 Before proceeding further, it would be apposite to refer to the findings recorded by the trial Court which are extracted as under: -

14. While going through cross-examination of both these witnesses, it has to be seen whether they stood test of cross-examination or not. In cross-examination, PW1 Ramesh Kumar has admitted that there is long standing enmity/dispute between both the parties, as such, they were not on visiting terms with each other. He has also admitted that person of locality also know their enmity. He has also admitted that his brother Sanjiv Kumar was present at the spot, however, he did not intervene nor rescued him from the clutches of the accused person. He himself has falsified the version of prosecution as according to him no burn injury was there on his body. However, medical evidence i.e. MLR Ex.W8/G issued by DMC, Hospital, Ludhiana as proved by PW8 and PW9 and diagnose slip Ex.PW9/A shows that burn injuries were there on the face and shoulder of injured Ramesh Kumar. Medico Legal Report and said diagnose slip both are of dated 08.05.2014 i.e. of the date when occurrence took place. In both these slips also mentioned the history as narrated by attendant that it is alleged history of roadside accident. He himself has admitted that on 08.05.2014, i.e. date of occurrence, police met his brother Sanjiv Kumar many times to get recorded his statement, but, he did not disclose anything at that time and first time his brother Sanjiv Kumar got recorded his statement only on 24.05.2014. In later portion of his

cross-examination, he has admitted that after 15/20 days, when, he remained in DMC Hospital, Ludhiana, he came to know that he received burn injuries and he was operated for those burn injuries by way of plastic surgery. He has further admitted that he visited DMC, Hospital, Ludhiana with those burn injuries for follow up treatment. On the other hand, he stated that he received injuries at the place of occurrence and thereafter he did not receive any injury on his person. He has also admitted that doctor of Civil Hospital, Mukerian also incorporated history in the Medico Legal Report as of roadside accident which shows that complainant has not stood the test of cross-examination and he himself has falsified the version as put up by prosecution.

15. As regards testimony of Sanjiv Kumar, who is eye witness and real brother of injured. His conduct is also not natural because initially, he has stated that there was long standing enmity with accused party. Once, accused party has allegedly stopped his brother victim Ramesh Kumar on the road by brining Gypsy in front of his scooter, he was also present there. So, it cannot be said that he could not understand why accused party has stopped his brother. First thing must have come in his mind that enemies have stopped his brother. But, neither he intervened to rescue his brother from the clutches of accused persons nor he raised hue and cry to attract the general public as alleged occurrence was in the day time at about 8:15 a.m., nor he ran away from the place of occurrence under fear. So, such conduct of complainant is totally against the nature which shows that in fact he

was not present and later on by concocting a false story he stood as complainant in this case. He has stated before the police in his statement Ex.PA that when accused persons ran away alongwith their weapons from the place of occurrence, then, his brother Naresh Kumar and nephew Sandeep Kumar also came at the place of occurrence and all of them arranged conveyance and brought injured Ramesh Kumar to Civil Hospital, Mukerian, although this version has not been stated by him in his examination-in-chief before the Court. However, it remained unexplained that who has informed his another brother Naresh Kumar and nephew Sandeep Kumar for coming to the spot. It is very strange that best evidence was medical record of Civil Hospital, Mukerian where Ramesh Kumar was first time brought, but, it is very astonishing fact that record has been withheld by the prosecution that who brought the injured to Civil Hospital, Mukerian. Even, version of Sanjiv Kumar PW2 is there that he brought Ramesh Kumar in Civil Hospital, Mukerian, then, there must be some mention in the Medico Legal Report which has not been produced or proved on the record, but, slip as issued by PW4 Dr. Brijesh Singh Ex.PW4/A and sent to Station House Officer, Police Station, Mukerian is proved on record wherein it is mentioned that Ramesh Kumar met with an accident near village Abdulapur and brought to Hospital by his son Sandeep Kumar. Sandeep Kumar has not been examined as a witness, who could have explained all the facts and he has to be confronted with questions in cross-examinations.

16. PW2 Sanjiv Kumar has also admitted that he deposed history of

injuries to Doctor of DMC, Hospital, Ludhiana and at that time his other brother Naresh Kumar and son of Ramesh Kumar named Sandeep Kumar were present and thereafter MLR was issued by doctor of DMC, Hospital, Ludhiana. So, it cannot be said that history of alleged injuries being suffered in roadside accident as mentioned by PW9 while issuing Medico Legal Report Ex. PW8/G was as per his own thinking and it is recorded in the Medico Legal Report that history has been got recorded by his attendants. Now, PW Sanjiv Kumar again blow hot and cold and stated that injuries has been caused by accused persons, when, first version is already there from his mouth. He has admitted that from 08.05.2014 till 24.05.2014 he did not inform the police about this incident at any point of time despite this fact that he remained in village as well as on his duty. He has also admitted that Police Station, Mukerian is at a distance of 5/6 Kms, from their house and nor he has disclosed about this incident to anybody in the village and first time it is disclosed by him to the police on 24.05.2014. When, evidence of Sanjiv Kumar is to be read with the statement of Investigating Officer PW6 ASI Sakattar Singh. He has corroborated defence story that in the chit of Civil Hospital, Mukerian as well as of DMC, Ludhiana it is mentioned that it was a roadside accident near village Abdulapur. He has proved the chit of DMC, Hospital, Ludhiana as Ex. PW8/B and doctor Jagdeep Chaudhary, Medical Officer, Civil Hospital, Ludhiana has reported to police on 09.05.2014 at 11:45 a.m. so there is no explanation why the complainant has come forward to make statement to the police only on 24.05.2014.

17. As regards, medical evidence of PW4, who has admitted in his cross-examination that such like injuries on the person of injured are possible in a roadside accident. He has also admitted that after admission of the injured in Civil Hospital, Mukerian, he immediately informed the police as Police Station Mukerian is 1 Km. from Civil Hospital, Mukerian. Similarly, PW8 Dr. Manjot Bajwa, DMC, Hospital, Ludhiana has stated that patient was medico legally examined by Dr. Jagdeep Chaudhary and he prepared the Medico Legal Report. In cross-examination, he has admitted that history mentioned in medical papers as a roadside accident and as per record injury No.3 on the person of injured was 7cm x7cm burnt wound on the right shoulder of the patient. PW7 Dr. Jagdeep Chaudhary, who prepared Medico Legal Report in DMC, Hospital, Ludhiana has also stated that attendant gave information regarding history of injuries being suffered due to roadside accident. He has also admitted that all the injuries on the person of injured was on right side of his body and possibility cannot be ruled out if this person has suffered these injuries due to fall in a roadside accident and burnt injuries due to touching of body parts on the hot silencer of the vehicle.

18. Clear defence has been taken while cross-examining the witnesses and while answering questions during the statements under Section 313 of the Cr. PC. by all the accused that they are innocent. In fact injured has suffered injuries in a roadside accident and they have falsely implicated in this case due to prior enmity.

19. Other evidence is formal evidence as PW3 Ram Singh is a witness

who was present with the Investigation Officer ASI Sakattar Singh at the time of part of investigation.

20. PW5 Amarjit Kaur, who proved ownership of Gypsy. Then, there is statement of ASI Sakattar Singh, Investigating Officer which has already been discussed, who being the Investigating Officer of this case while appearing in witness box has proved all the documents prepared by him in completion of investigation of this case. PW7 SI Manmohan Singh, who has also partly investigated this case, but, nothing untoward has been stated by him. PW10, ASI Daljit Singh who has also partly investigated this case regarding arrest of one of the accused. No more evidence is there.

21. So, in considered view of this Court and as discussed above, it is established on record that none of the accused has stopped injured nor they caused any injury, rather injured has suffered injuries on his person due to roadside accident and delay in lodging the FIR of this case is totally fatal as it is established that false story has been concocted just to implicate accused persons in this case and whole case of prosecution is false. Hence, both these points of determination have been answered accordingly against the prosecution and in favour of the accused persons.

22. In view of my above discussion, I hereby acquit all the accused from the charges framed them. Bail and surety bonds of accused persons stand discharged. The case property be disposed off, after the expiry of period of limitation of filing appeal/ revision or on disposal of the same, in accordance with Rules. However, accused persons are directed to

furnish bail bond and surety bonds in the sum of Rs. 25,000/- in compliance of Section 437-A of the Cr.P.C. File be consigned to the Record Room, Hoshiarpur, after due compliance.

11 It is evident from a perusal of the same that the trial Court has extensively dealt with the effect of the entire evidence that had been produced before it. The Court has not only referred to the testimony of PW2 Sanjeev Kumar but has also scrutinised the same and ultimately found it to be unreliable for the purposes of sustaining the prosecution case. The trial Court specifically dealt with the respective evidence of the witnesses and recorded that in so far as PW.1 Ramesh Kumar is concerned, he has admitted the existence of a long-standing enmity and dispute between the parties and further conceded that they were not on visiting terms with each other. He also acknowledged that such enmity was well known to persons residing in the vicinity. The trial Court has further taken note of the admission made by PW1 that his brother, namely PW2 Sanjeev Kumar, who is also the author of the FIR, was present at the spot at the relevant time. However, despite such presence, PW2 did not make any attempt to intervene or rescue the injured from the alleged assault by respondents No. 1 to 3. Additionally, the trial Court has observed a material inconsistency between the ocular and medical evidence. While the prosecution case did not attribute any burn injuries to the victim, the medical evidence on record revealed the presence of burn injuries on the face and shoulder of PW1 Ramesh Kumar. The history of roadside accident and the injuries having been sustained in the same are glaring and have not been explained. The witnesses to the

roadside accident who brought PW-1 to Civil Hospital has not been examined. The doctor also admitted that the injuries could have been sustained in an accident. Besides, there was an unexplained delay in reporting the matter to the police. All these aspects have been considered cumulatively and they had an effect of corroding the prosecution case.

12 Thus, it is evident from the above that the trial Court has referred to and dealt with the testimonies of the prosecution witnesses before arriving at a conclusion to discredit the prosecution version. The case set up by the respondents No.1 to 3/accused persons was examined in the light of the surrounding circumstances and the test of probability emerging from the record. It has been specifically noticed by the trial Court that the medical evidence did not wholly support the prosecution narrative. The doctors, in their depositions, opined that the possibility of the injuries having been sustained in a roadside accident could not be ruled out. Further, at the time of admission of the injured in the hospital, the medical history recorded also indicated that the injuries might have been the result of a roadside accident. In view of the aforesaid medical opinion and the contemporaneous record, the trial Court found that the nature and origin of injuries were not conclusively attributable to the alleged assault in the manner projected by the prosecution.

13 The testimony of the Investigating Officer was also examined but the same failed to inspire confidence nor was it sufficient to substantiate the prosecution case. In view of the inconsistencies and deficiencies noticed in the prosecution evidence, the trial Court found that the version put forth by the State was not probable in the facts and circumstances of the present

case. It was in these circumstances that respondents No. 1 to 3/accused were extended the benefit of doubt and acquitted of the charges framed against them. The trial Court further observed that the medical evidence brought on record, which remained unimpeached, when read in conjunction with the testimonies of other witnesses and the surrounding circumstances, consistently pointed towards a medical history of injuries that did not align with the prosecution s version of the occurrence.

14 Counsel has not been able to point out any illegality, perversity, impropriety or any material error in appreciation of evidence by the trial Court. Since the findings recorded by the trial Court appear to be plausible, this Court would not interfere in the said finding solely because any other view may also be possible. A High Court as an appellate authority would not ordinarily substitute its own opinion for that recorded by the trial Court when such opinion and findings are probable and plausible from an objective reasoning.

15 Consequently, the present appeal lacks in merits and the same is accordingly dismissed.

April 07, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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