



202 (03 CASE)

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

CRR-477-2007**Date of Decision:19.03.2026**

Balraj

...Petitioner

Vs.

State of Haryana and Others

...Respondents

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

Present: Mr.Manvinder Sidhu, Advocate,
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

Mr. Jagjit Singh Gill, Advocate
for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 19.04.2006, passed by the Court of Additional Sessions Judge, Sirsa, whereby, the respondents No.2 to 5 were ordered to be acquitted of the charge framed against them.

2. The brief facts of the present case which are necessary just an effective disposal of the matter are as follows:-

“On 5.6.2002, complainant/injured Raj Pal son of Chander Gupta, caste Jaat resident of Ding Mandi Distt. Sirsa lodged a report with the police interalia stating therein that on 5.6.2002, in the morning, Sheela Devi wife of Han Singh who is working at the shop of Harbhajan son of Sewa Singh had given beatings to her son in the previous night and also administered threat to eliminate him. He (complainant) told her that at present



he is going outside and that he would look into the matter on his return in the evening. At about 8.30 pm he (complainant) was present at his house when Manoj son of Sheela Devi rushed to his house and told that Rimpi son of Harbhajan, who was armed with a small Gandasi, Goldi son of Harbhajan, who was armed with a Khukari and Harbhajan himself who was armed with a lathi and Surjeet Singh mechanic and two other boys who were armed with lathis, trespassed into their house while hurling abuses. His parents have bolted the room from inside and he has visited him by making strenuous efforts and he asked him (complaint) to accompany him very soon, otherwise, they would kill his parents. Thereupon, he, Raj Kumar son of Poonam Chand and Inder Singh son of Dayal Ram, resident of Ding accompanied Manoj to his house and saw that all the accused persons were hurling filthy abuses and were breaking the door of the house of Sheela Devi. On seeing him (complainant), Harbhajan raised a Lalkara that Rajpal has developed enmity by contesting elections for the post of Sarpanch against them and therefore, he be eliminated. Thereafter, Rimpi, who was carrying a Gandasi in his hand, gave its blow from the sharp side on his head which hit on right side of his head. He raised alarm and then his companions intervened and thereafter, all the accused persons started giving him kick blows and fisticuffs. Thereafter, the accused persons after having administered a threat to him ran away from the spot with their respective weapons. On the basis of the aforesaid report lodged by the complainant, the present case was registered and the matter was investigated”.

3. After completion of necessary investigation, challan was presented before the Court of Illaqua Magistrate. Since, the cross version was being tried by the Sessions Court, the case was committed to the Court of Sessions.

4. From a perusal of the challan and accompanying documents, the Trial Court found a prima facie case under Sections 324,323,506 r/w Section 34



of IPC and the respondents No.2 to 5 were ordered to be charge-sheeted, accordingly. The respondents No.2 to 5 pleaded not guilty and claimed to be tried.

5. In support of the charge, the prosecution examined Dr. G.S Somani as PW-1, Raj Pal complainant as PW-2, Raj Kumar as PW-3, Manoj Kumar as PW-4, Punjab Singh, SI as PW-5 and Dharam Pal ASI as PW-6 and closed the prosecution evidence.

6. After the closure of the prosecution evidence, the entire incriminating evidence was put to the respondents No.2 to 5, however, they denied all the allegations and stated that they had been falsely involved in the present case. They have stated that it is a false case which was got registered by Raj Pal as a counter blast of the occurrence of the night intervening 4/5.6.2002 when he alongwith Hari Singh, Balraj, Ajit and Subhash caused injuries to Gurpreet Singh alias Rimpi, Surjit Singh and Harbhajan Singh father of Gurpreet Singh and also uprooted his beard. They have further stated that this case was got registered in connivance with ASI Nihal Singh, who is a close relation of Rajpal aforesaid, in order to create a defence in the case registered against Raj Pal etc.

7. In defence, the respondents No.2 to 5 have examined Sajjan Kumar, H.C. as DW1, Ganga Ram, Inspector as DW2 and Nihal Singh ASI as DW3.

8. The prosecution examined Dr.G.S Somani as PW-1, who medico-legally examined Raj Pal on 06.06.2002 and found the following injuries on his person:-

1.An incised wound with clean cut margin, measuring



4.5 cm x 1 cm x bone deep situated on the right parieto occipital bone area of skull, 7 cms above the upper border of right ear. Bleeding was present on touch, x-ray was advised.

2-History of blow with lathi on the right fronto lateral aspect of right side of chest on its middle. Complaining of plain, tenderness was present. X-ray was advised.

3-Reddish contusion 5 cms x 3 cms on the right clavicular bone area on its middle 1/3rd. X-ray was advised.

4-Defuse painful tender swelling over the medial malleolus of right foot. Advised X-ray.

5-Complaining of pain on the back of left side of chest on its middle, just lateral to mid line. Tenderness was present. X-ray was advised.

All the injuries were kept under observation and subjected to x-ray examination. Injury no.1 was caused by a sharp weapon and rest by blunt weapon within a probable duration of six hours. Ex. PA is the copy of the M.L.R. and Ex. PA/1 is the diagram showing the seat of injuries. He has stated that he medico-legally examined the injured on the police request Ex. PB.

9. The prosecution further examined PW-2 RajPal, injured/complainant in the present case and he supported the case of the prosecution in totality. The testimony of PW-2 Raj Pal was supported by PW-3 Raj Kumar and PW-4 Manoj Kumar. They also identified respondents No.2 to 4, but refused to identify Surjeet Singh, respondent No.5 in the present case. PW-5 Punjab Singh, SI had prepared final report under Section 173 Cr.P.C. The prosecution further examined PW-6 ASI Dharam Pal, who was the I.O of the present case and proved the investigation in the present case.

10. Learned counsel for the petitioner has vehemently argued that in



the present case, due to the old enmity relating to the post of Sarpanch, respondents No.2 to 5 had attacked the petitioner and others. Even, the injuries were proved by PW-1 Dr. G.S Somani, who clearly found that the complainant had suffered four injuries on his person. Even, one injury was on the right parieto occipital bone of the skull, which could not be self-suffered. Apart from that the testimony of the complainant was duly supported by the statements of PW-2 Raj Pal, Complainant, Raj Kumar PW- 3 and Manoj Kumar PW-4. All of them were presented at the place of occurrence and had supported the case of the prosecution. However, while, delivering the impugned judgment, the Trial Court had taken into minor inconsistencies appearing in the statements of various witnesses and wrongly acquitted the respondents.

11. On the other hand, learned counsel appearing on behalf of the respondents No.2 to 5 submitted that they had been acquitted by the Trial Court by appreciating the evidence on record. In fact, the complainant side in the present case was the real aggressor and they have already been convicted by the Trial court. Thus, the Trial Court had recorded detailed findings in the present case and the respondents were rightly acquitted by the Trial Court.

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

13. In the present case, Rajpal, complainant had got the FIR registered by alleging that respondents No.2 to 5 had attacked them and had caused injuries to him. In order to prove the injuries, he had examined PW-1 Dr. G.S Somani, who stated that the complainant had suffered five injuries on his person. However, in his cross-examination Dr. G.S Somani admitted that on the same day, he had medico legally examined Surjeet Singh and found five



injuries in his MLR. He also medico-legally examined Gurpreet Singh and found four injuries on his person and prepared the MLR Ex.DB. Even, Gurpreet Singh had also suffered injuries, which were declared dangerous to life. Apart from that, PW-2 Raj Pal, injured admitted in his cross-examination that a cross version with regard to the same occurrence was pending against him and is fixed in the Court. Thus, PW-2 Raj Pal, PW-3 Raj Kumar and PW-4 Manoj Kumar i.e. all the witnesses completely failed to explain the injuries on the person of three injured from the side of respondents No.2 to 5.

14. Still further, while appearing as prosecution witnesses, PW-2 Raj Pal, PW-3 Raj Kumar and PW-4 Manoj Kumar levelled allegations against respondents No.2 to 4 namely Harbhajan Singh, Ajit Singh @ Goldi and Gurpreet Singh @ Rimpi only, however, surprisingly no allegations was levelled against Surjeet Singh, respondent No.5 and this create a serious doubt about the genuineness of the prosecution case. Apart from that, even the statement of PW-2 Rajpal was not corroborated by the medical evidence. From a perusal of the statement, it is apparent that Gurpreet Singh @ Rimpi had caused a blow with Gandassi on the right side of his head and remaining accused gave him fist blows and slaps and he had fallen down. However, from the statement of Dr. G.S Somani, it is apparent that the injuries on the right parieto occipital bone area of the skull of the complainant, the injury was caused with a blunt weapon. Apart from that, the Trial Court has taken into consideration the various inconsistencies in the statements of various witnesses and rightly acquitted the respondents No.2 to 5. Even, during the course of arguments, learned counsel for the petitioner has failed to point out any irregularity, illegality or perversity in the impugned judgment passed by the



Trial Court.

15. In view of the above discussion, finding no merits, the present revision petition is ordered to be dismissed.

19.03.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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