

2026:PHHC:045767



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

201

**IOIN-1-CRR-1539-2008
and CRR-1539-2008**

Date of Decision: 23.03.2026

RAGHBIR SINGH

... Petitioner

VERSUS

RAM RATTAN AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Ms. Monika Jalota, Advocate
(Amicus Curiae) for the petitioner.

Mr. Gaurav Mohunta, Sr. Advocate
(Amicus Curiae) with Mr. Gaurav Gogna,
Mr. Pratyush Sood and Mr. Nishant Arora,
Advocates for the respondents.

H.S. GREWAL, J. (ORAL)

IOIN-1-CRR-1539-2008

As per report of the Registry, a criminal revision petition preferred by victim against an order/judgment of acquittal passed prior to 31.12.2009 cannot be converted into an application seeking leave to appeal.

Hence, the instant petition can also not be treated as leave to appeal.

IOIN stands disposed of accordingly.

MAIN CASE

The instant revision petition has been filed by the petitioner against the judgment dated 29.04.2008 passed by the then Addl. Sessions Judge, Jind in Sessions Case No.08 of 28.01.2005/18.02.2005 arising out of FIR No.6 dated 07.01.2004 under Sections 323, 325, 341, 342, 452, 364, 147, 148 and 427 of IPC

registered at Police Station Sadar Jind, whereby all the accused persons (respondents herein) had been acquitted of the charges framed against them.

2. The brief facts of the case are that Ramdasia Community had convened a meeting in village Ram Rai on 07.01.2004 and when the meeting was going on, accused Rajinder who was the Sarpanch of the village Ram Rai, came at the spot alongwith his companions and they attacked the members of Ramdasia Community sitting in the meeting with rods, sticks and brick bats and they were also illegally confined in order to shift the blame on the member of Ramdasia Community. Rajinder Sarpanch who had also damaged the on-going construction of a room adjacent to Ramdasia Dharamshala and they created some scene of rioting on the part of complainant party. He also got the site photographed in order to create evidence against the complainant party.

2. The matter was reported to the police and the FIR in question came to be registered against the accused persons. Investigation swung into motion and all necessary formalities were also carried out. After completion of the investigation, the challan was presented before the Illaqa Magistrate under Sections 323, 325, 341, 342, 452, 364, 427, 506, 147 and 148 of the IPC. Since, Section 364 of the IPC was exclusively triable by the Court of Session, therefore, the case was committed to the Court of Session for commencement of trial.

3. Upon finding *prima facie* case against the accused persons, all of them were charge sheeted for commission of offences punishable under Sections 148, 149, 323, 325, 364 and 452 of IPC to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Raghbir Singh s/o Fakir Chand as PW1, Dharambir Singh s/o Sh. Baldev Singh as PW-2, Bharat Singh

s/o Sh. Chhajju Ram as PW-3, Jai Bhagwan s/o Sh. Baldev as PW4, Satbir Singh s/o Sh. Ram Kishan as PW-5, Dr. M.L. Kochar as PW6, Ramesh Chand Patwari Halqa Ram Rai as PW-7, Ram Kumar Nain S.I. as PW8, Chattar Singh s/o Sh. Gosian as PW-9, Constable Ravinder Kumar as PW-10, Dilawar Singh ASI as PW-11, Sh. Preet Kumar s/o Sh. Jamna Dass as PW12, Azad Singh ASI as PW-13, Sukhdev s/o Sh. Jamna Dass as PW-14, Ramphal s/o Sh. Mahadev as PW-15.

5. After closure of the prosecution evidence, the statements of the accused persons under Section 313 Cr.P.C. were recorded, wherein they submitted that they are innocent and they have been falsely implicated in this case. Documents Ex.D1 to Ex.D12 had also been placed on record on behalf of the accused persons in their defence evidence.

6. After hearing both sides, the trial Court acquitted all the accused persons of the charges framed against them. Hence, the instant Revision Petition.

7. Ms. Monika Jalota, learned (Amicus Curiae) appearing on behalf of the petitioner contends that the impugned judgment passed by the trial Court is illegal, perverse and not sustainable in the eyes of law. The same is based on surmises and conjectures and the learned trial Court has relied upon minor discrepancies to acquit the accused persons. She further contends that Dr. S. Goel, Medical Officer had examined the injured persons and prepared their MLRs. However, neither the prosecution nor the trial Court bothered to examine the said material witness. She further alleged that the abovesaid deficiency occurred due to connivance of the Public Prosecutor, which resulted in injustice to the complainant party. She further submits that otherwise the case of the prosecution is well established and proved on record, however, the trial Court ignored well knitted

evidence and passed the erroneous judgment. She thus prays that the impugned judgment may be set aside and the accused persons may be convicted.

8. On the other hand, Mr. Gaurav Mohunta, Sr. Advocate (Amicus Curiae) appearing on behalf of the respondents submits that the impugned judgment passed by the trial Court is well reasoned, justified and has been passed in accordance with law. There is no infirmity or illegality in the said judgment. He further submits that the prosecution had utterly failed to examine the doctor who had treated the injured persons which was a serious lacuna in the case of prosecution. He further submits that the star witness of the prosecution case namely Ram Phal, when appeared into the witness box as PW15, deposed that he had no knowledge of the case and he had never made any statement before the police. Learned Amicus Curiae for the respondents also pointed out certain other discrepancies and lacunae in the case of prosecution and prayed for upholding the impugned judgment passed by the trial Court.

9. I have heard learned counsel for the respective parties and have gone through the documents and other material available on record.

10. A perusal of record shows that Dr. S. Goel, Medical Officer, who had treated the injured persons and had prepared their MLRs, has not been examined by the prosecution and as such, the MLRs of the injured persons could not be proved on record. Further, PW15 Ram Phal did not support the case of the prosecution and turned hostile. Even further, the prosecution failed to bring home the charge framed under Section 325 of IPC as the witness namely Om Parkash, who had alleged sustained grievous hurt, did not step into the witness box to depose against the accused persons. Although PW2 Dharambir Singh, in his examination in chief, stated about the occurrence and proved his statement as Ex.PA, but in his cross-

examination, he specifically deposed that his statement was recorded by the police at the Police Station of village Ram Rai. He was further found discrepant in comparison to PW1 Raghbir Singh about the time of reporting to the police and the number of persons who had met the police. Their testimonies were contradictory with each other. A further perusal of the case shows that even no recovery has been effected in the present case. Further, the deposition made by PW14 Jamna Dass also could not prove the charges qua trespass. All above stated facts and circumstances clearly show that the prosecution had miserably failed to bring home the guilt of the accused persons and they had been rightly acquitted by the trial Court of the charges framed against them.

11. In light of the above, this Court does not find any illegality, perversity, impropriety or non-appreciation of evidence in the impugned judgment. The same is based on correct appreciation of evidence and material produced before the trial Court. Hence, there is no ground to interfere with the impugned judgment passed by the trial Court.

12. Resultantly, the instant revision petition is hereby dismissed and the impugned judgment dated 29.04.2008 passed by the trial Court in Sessions Case No.08 of 28.01.2005/18.02.2005 arising out of FIR No.6 dated 07.01.2004 under Sections 323, 325, 341, 342, 452, 364, 147, 148 and 427 of IPC registered at Police Station Sadar Jind, whereby all the accused persons (respondents herein) had been acquitted of the charges framed against them, is hereby upheld.

MARCH 23, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No