

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

2026:PHHC:065884



CRM-A-2670-MA-2018 and
CRA-AS-75-2026 (O&M)
Date of decision: 28.04.2026.

RAVINDER SINGH

... Appellant(s)

VERSUS

SAHIB SINGH AND OTHERS

...Respondent(s)

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

Present :- Mr. Ankit Bhardwaj, Advocate,
for the applicant-appellant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-A-2670-MA-2018

For the reasons set out in the application, the same is allowed.

Leave to appeal is granted.

CRA-AS-75-2026

The instant appeal has been preferred against the judgment dated
11.09.2018, passed by the Additional Sessions Judge, Amritsar, in Sessions
Case bearing No.24 of 2016 dated 06.08.2016/05.10.2016, arising out of FIR

bearing No.100 dated 25.05.2014, under Sections 308, 323 and 34 of the Indian Penal Code, 1860, registered at Police Station Gharinda, District Amritsar, whereby the respondents No.1 to 3/accused had been acquitted of the charges framed against them under Sections 308, 323 and 34 of the IPC after noticing that the prosecution has not been able to prove the guilt of the accused beyond shadow of reasonable doubt.

2. Briefly stated, the case of the prosecution is that on 25.05.2014, an intimation was received by the police regarding admission of injured persons in the hospital, pursuant to which the statement of the complainant, Rajinder Singh, was recorded. The complainant stated that on 17.05.2014, while he along with his father Gulzar Singh was waiting at the Bus Stand, Bhakna Kalan, certain accused persons, namely Sahib Singh, Angrej Singh and Shera, all armed with sharp-edged weapons, approached them and launched an assault. It is alleged that the accused inflicted multiple injuries upon the father of the complainant, including blows on the head, hand, shoulder and thigh. When the complainant intervened, he was also assaulted and sustained injuries. Upon raising alarm, other persons reached the spot, whereafter the accused fled away with their respective weapons. The injured were thereafter taken to the hospital for medical treatment. The motive behind the occurrence is stated to be a prior dispute between the complainant and one of the accused. During the course of investigation, statements of witnesses were recorded and medico-legal reports were obtained. On receipt of X-ray report, injury no.1 on the person of Ravinder Singh was declared to be grievous in nature and offence under Section 325 was subsequently added.

Eventually, Section 308 of the IPC was also added. On completion of

investigation, final report was presented and copies of the same were supplied to the accused under Sectio 207 Cr.P.C.

3. The offence under Section 308 of the IPC being triable by the Court of Sessions, the matter was committed to Additional Sessions Judge, Amritsar.

4. Arguments on charge were heard and finding prima facie sufficient grounds, charges for commission of offences under Sections 308, 323 and 34 of the IPC were framed against respondents No.1 to 3/accused.

5. No charge, however, for commission of offence under Section 325 IPC was framed. The respondents No.1 to 3/accused persons pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution examined the following witnesses:

PW No.	Name & Designation
PW1	Ravinder Singh
PW2	Gulzar Singh
PW3	Gurmukh Singh
PW4	Gurpreet Singh
PW5	Dr. Pankaj Kumari
PW6	Rakesh Arora
PW7	HC Lakhwinder Singh
PW8	HC Kulwant Singh

PW9	ASI Jagbir Singh
PW10	Jasbir Kaur
PW11	Dr. Gursirat Singh
PW12	Dr. Mayur Veera

7. Upon closure of prosecution evidence, on recording their statement under Section 313 Cr.P.C., the respondent-accused when confronted with evidence appearing against them, denied all the evidence and pleaded false implication. The accused pleaded that prior to the occurrence in question, a quarrel had taken place between Sahib Singh and cousin of the complainant at a Barber shop, which was subsequently settled in the presence of the village Panchayat. It is stated that although Bagha Singh, cousin of the complainant, had expressed regret, he continued to bear a grudge against Sahib Singh and it is on account of the prior enmity, that the present case has been falsely foisted upon the respondents-accused, despite their having no role in the alleged occurrence. It was further pleaded that the injuries had, in fact, been sustained by the complainant on account of a fall from motorcycle. The respondents No.1 to 3/accused persons, however, did not lead any evidence in defence.

8. On consideration of the respective arguments raised and the evidence adduced on record, the trial Court extended the benefit of doubt in favour of the respondents No.1 to 3/accused persons and acquitted them of the charges framed against them. Hence, the present appeal.

9. Learned counsel appearing on behalf of the petitioner(s) contends that the trial Court has failed to take into consideration the evidence including the injuries sustained by Gulzar Singh-father of the complainant. It is submitted that the Trial Court has proceeded on an erroneous assumption that Gulzar Singh had suffered only one injury and that Ravinder Singh had sustained six injuries, which is contrary to the material on record as Gulzar Singh had suffered multiple injuries, whereas Ravinder Singh had sustained only a single injury. It is further contended that the injury attributed to the accused was inflicted on a vital part of the body and was of such a nature as to attract the provisions of Section 307 IPC. Despite the injury having been declared grievous in nature, the Trial Court failed to take due cognizance of the same and did not properly evaluate its evidentiary value. Learned counsel submits that such misappreciation of medical evidence has materially affected the outcome of the case and has resulted in an erroneous acquittal of the accused, which warrants interference by this Court.

10. No other argument has been advanced by counsel appearing for the appellant.

11. I have heard counsel appearing for the applicant-appellant and have gone through the documents appended along with the present appeal as well as the judgment of acquittal under challenge passed by the trial Court.

12. Before proceeding further, it is apposite to refer to the relevant extract of the judgment of acquittal passed by the trial court and the same is extracted as under: -

“10. I have heard the learned Additional Public Prosecutor

for the State and learned defence counsel and have perused the record. In this case, following points of determination arises :

1. Whether on 17.05.2014 at about 1.30/2.00 pm in the area of Bhakna Kalan accused were armed with weapons and inflicted simple and grievous injuries to Ravinder Singh and Gulzar Singh with the knowledge and intention that by such injuries if they would cause the death of injured it will be culpable homicide not amounting to murder, if so its effect ?

2. Whether on the same date, time and place accused in furtherance of common intention caused simple and grievous injuries to complainant and Gulzar Singh, if so, its effect ?

xxx xxx xxx xxx xxx

21. As per the prosecution version on 17.05.2014 at about 1.30 PM in the area of Bhakna Kalan when complainant Ravinder Singh was stated to be present at Bus Stand his father Gulzar Singh allegedly came there to take some grocery and after that when both of them were waiting for bus accused Sahib Singh armed with datar, Angrej Singh armed with gandasi and Shera armed with datar came there and caused injuries to both of them with their respective weapons and on raising rroulla Gurmukh Singh and Gurpreet Singh came there and accused ran away from the spot. The injured were admitted in Guru Nanak Dev Hospital. FIR was registered on the statement of complainant Ravinder Singh given to the police on 25.05.2014. It is pertinent to mention here that the alleged occurrence has taken place on 17.05.2014 at about 1.30 PM in the area of Bhakna Kala but for the first time the information was given to the police by complainant on 25.05.2014 so there is a long unexplained delay of eight days

approximately in reporting the matter to the police. It is stated that after the incident the efforts were being made to compromise the matter but no such person has been examined by prosecution who could prove that complainant or accused were making efforts for compromise whereas sole testimony of complainant and injured Gulzar Singh is not sufficient to explain the long delay in lodging the FIR. When there is a long delay in getting the FIR registered that is fatal to the case of prosecution as there are chances of concocting a false version to settle the scores with the accused. On this account only the accused are liable to be acquitted.

22. Further as per the prosecution version after the incident the witnesses Gurmukh Singh and Gurpreet Singh who are closed relatives of complainant, came present at the spot and they have seen the occurrence but the cross-examination of PW-3 Gurmukh Singh and PW-4 Gurpreet Singh is relevant. Gurmukh Singh in his cross-examination has stated that he was apprised of the occurrence by his nephew Ravinder Singh and similar version has been given by Gurpreet Singh. From their entire cross- examination it seems that they have not seen the occurrence and they are merely roped in to strengthen the case of the prosecution and in fact they are not eye-witnesses to the occurrence.

23. Further it has come in the cross-examination of Gurmukh Singh and Gurpreet Singh that at the time of occurrence so many shopkeepers gathered at the spot. Gurpreet Singh gave an application regarding the occurrence to PS Gharinda on the same day but there is no such application on the judicial file. Even Gurpreet Singh has also admitted in his cross-examination that so many shopkeepers gathered at the spot and he do not know whether there were any talks of

compromise between the complainant and accused. If so many shopkeepers gathered at the spot after the incident then it was for the police to name the said persons and record their statements under Section 161 Cr.P.C. and cite them as witnesses but nothing this sort has been done by prosecution. So, meaning thereby there is no independent corroboration to the evidence of complainant Ravinder Singh and injured Gulzar Singh and to the evidence of Gurmukh Singh and Gurpreet Singh and non-joining of independent witness in investigation despite availability is also fatal to the case of prosecution.

24. Further from the perusal of MLR of complainant and injured which are Ex P11/A and Ex PW11/B on the file it reveals that complainant Ravinder Singh and injured Gulzar Singh reached Guru Nanak Dev Hospital at about 4.30 PM on 17.05.2014 whereas the alleged occurrence has taken place at about 1.30 PM on 17.05.2014. So, delay of three hours in reaching the hospital is also not explained whereas as per the version of prosecution the complainant Ravinder Singh has suffered grievous injuries. Had it been so then they must have reached the nearest hospital instantly to get treatment. Late going to hospital also casts doubt to the prosecution version.

25. Further it has come in the evidence of PW10 Jasbir Kaur w/o Gulzar Singh that she gave the blood stained clothes of the injured to police which were taken in possession vide memo Ex PW7/1 but the evidence of PW-9 ASI Jagbir Singh Investigating officer is contrary to that and even in cross-examination Investigating officer stated that neither the FIR number nor the name of accused are mentioned on the case property MO2 to MO5 and case property is not in parcels and he did not send datar and gandasi to FSL. So, the case property i.e. weapon used in committing the crime cannot be

connected with the present case. Investigating officer further stated that he did not record the statement of any shopkeeper to verify that Gurmukh Singh and Gurpreet Singh came present at the spot. He further stated that he was made aware about the occurrence of 25.05.2014. He never went at the spot in connection with investigation. He further stated that from 5.6.2014 to 3.7.2014 no opinion of doctor was obtained regarding injuries. Moreover, case property allegedly recovered from the possession of accused cannot be connected with the present case also. So, there is no proper investigation in the matter by police also.

26. Further, so far as the medical evidence is concerned PW-6 Dr. Rakesh Arora has been examined by prosecution who has treated the injured Ravinder Singh from 19.05.2014 onwards and as per his evidence the patient was discharged from the hospital on 29.05.2014 but in his cross-examination he stated that he cannot say that injuries on the person of Ravinder Singh is result of fall on hard surface. However, he stated that possibility cannot be ruled out that injuries on the person of Ravinder Singh can be caused by fall on hard surface.

27. Further prosecution has examined PW-11 Dr. Gursirat Singh, Senior Resident, Forensic Department, PGI, Chandigarh, who has medicolegally examined complainant Ravinder Singh as well as injured Gulzar Singh and has proved MLRs of both the said persons as Ex PW11/A and Ex PW11/D with pictorial diagram Ex PW11/B and Ex PW11/E but oral evidence of this witness proves that on the person of Gulzar Singh there is only one injury and on the person of Ravinder Singh he has mentioned six injuries but in the MLR of Gulzar Singh Ex PW11/D six injuries are mentioned and in the MLR of Ravinder Singh Ex PW11/A only one injury is

mentioned. So, the oral evidence of this witness is not as per the record available on file and both are contrary with each other so no note of medical evidence led by PW-11 Dr. Gursirat Singh can be taken. Even otherwise this oral evidence of witness PW-11 is not as per the ocular version. He further stated that x-ray and CT Scan of the patient were not performed in his presence and patient did not disclose him the name of accused.

28. So, in the totality of circumstances the prosecution has not been able to prove the guilt of the accused beyond the shadow of reasonable doubt and it is well settled that when two views are possible one is favourable to the accused and other is favourable to the prosecution, the view which is favourable to the accused is to be accepted. Therefore, the points of determination are decided against the prosecution and in favour of accused and the accused stands acquitted of the charges framed against them.”

13. A perusal of the above shows that the trial Court specifically noticed that even though the incident in question was alleged to have taken place on 17.05.2014, at about 1:30 P.M. in the area of Bhakna Kalan, however, intimation to the police for the first time was given by the complainant on 25.05.2014. There was thus a long, inordinate and unexplained delay of eight days in reporting the matter to the police. The Trial Court has further observed that although the prosecution sought to explain the delay on the ground that the parties were exploring the possibility of a compromise, however, neither any such person has been examined nor any independent evidence was led, on

the basis whereof, it may be assumed that parties were in the process of amicable resolution of the dispute. Accordingly, the reasons cited by the appellant for delay in reporting the matter to the police has not been elaborated by leading any cogent evidence on record. It was under the said circumstances that the trial court drew an inference that such unexplained delay creates a reasonable doubt in the prosecution version and opens up the possibility of deliberation and embellishment. Consequently, the Court held that the possibility of the FIR having been registered after deliberation and concoction cannot be ruled out.

14. The Trial Court has further taken note of the fact that no independent witness had been joined by the prosecution notwithstanding that the incident in question took place in broad day light and at a public place as well as at the time when students were returning from school and people were waiting at the bus stop. It was also observed that the only witnesses examined by the prosecution, apart from the injured, were Gurmukh Singh and Gurpreet Singh, both of whom are closely related to the complainant. A careful scrutiny of their testimonies reveals that they are not eyewitnesses to the occurrence. PW-3 Gurmukh Singh has, in his cross-examination, admitted that he was informed about the incident by his nephew Ravinder Singh, and Gurpreet Singh has also deposed on similar lines. It thus becomes evident that their testimonies are not an eye witness account but are merely hearsay in nature. Moreover, their association with the prosecution case appears to have arisen subsequent to the occurrence, further weakening the credibility of their testimonies.

15. Further, it was noticed by the trial Court that the aforesaid

witnesses themselves admitted that an application regarding the occurrence had been submitted at Police Station Gharinda on the very same day; however, no such application was placed on judicial record. In the absence of such material, there remains no independent corroboration of the prosecution version. It was also noticed that the witnesses feigned ignorance about the talks of compromise between the complainant and the accused. The complete silence of the prosecution on these aspects, coupled with its failure to furnish any satisfactory explanation for these lapses materially affects the credibility of PW.3 Gurpreet Singh and PW.4 Gurmukh Singh and erodes the sanctity of their deposition. The trial Court has also specifically referred to the medical record of Ravinder Singh as well as Guljar Singh. It was noticed that they reached Guru Nanak Dev Hospital at about 4:30 P.M. despite the incident having taken place at about 1:30 P.M. on 17.05.2014, thereby indicating a delay of three hours in seeking medical treatment. Further, the testimony of PW-6 Dr. Rakesh Arora, who treated the injured Ravinder Singh, was also considered. While he deposed that the patient was discharged on 29.05.2014, he candidly admitted during cross-examination that he could not definitively state whether the injuries sustained were the result of an assault or a fall on a hard surface. He specifically acknowledged that the possibility of such injuries having been caused due to a fall cannot be ruled out.

16. The Trial Court has also adverted to the testimony of PW-11 Dr. Gursirat Singh, Senior Resident, Forensic Department, PGI, Chandigarh, who medico-legally examined the injured Ravinder Singh as well as Gulzar Singh and deposed that Ravinder Singh had sustained one injury, whereas Gulzar Singh had suffered six injuries. The Trial Court, however, appears to have

inadvertently interchanged this position in its narration. Be that as it may, the said witness, in his cross-examination, admitted that neither any X-ray nor CT scan had been conducted to substantiate the nature of the injuries. He further conceded that the injured had not disclosed the names of the assailants to him at the time of examination. It is also not in dispute that no charge under Section 325 IPC was framed and that the X-ray report, if any, to establish the existence of a fracture, was neither produced nor proved on record. The error in recording of injuries was hence only one amongst many other noticeable discrepancies. Further, the trial Court has also noticed the discrepancy regarding handling of case property. PW-10 Jasbir Kaur, wife of Gulzar Singh, deposed that she had handed over blood-stained clothes of the injured to the police, which were taken into possession vide memo Ex. PW7/1. However, the Investigating Officer, while appearing as PW-9, admitted that neither the FIR number nor the names of the accused were mentioned on the case property (MO-2 to MO-5) and that the same had not been sealed in proper parcels. He further admitted that the alleged weapons of offence, namely datar and gandasi, were not sent to the Forensic Science Laboratory for examination. In view of these lapses, the Trial Court rightly concluded that the case property could not be reliably connected with the commission of the offence in question.

17. The Trial Court has further taken note of the fact that the Investigating Officer admitted that he neither recorded the statements of any independent shopkeepers present at or around the place of occurrence to verify the presence of the witnesses, nor did he visit the spot for the purpose of conducting a proper investigation. It has also come on record that during the

period from 05.06.2014 to 03.07.2014, no medical opinion was obtained regarding the nature of injuries sustained by the injured persons. Noticing the cumulative effect of all the said lapses, the trial Court came to a conclusion that the lacunas could not be ignored so as to fasten the liability against the accused persons/respondents No.1 to 3. The Court further observed that where two views are possible on the basis of the evidence on record, the view favouring the accused must prevail. Accordingly, extending the benefit of doubt, the learned Trial Court acquitted respondents No. 1 to 3 of the charges framed against them.

18. Even though counsel for the petitioner has emphatically argued that the trial Court committed an error in misreading the testimony of PW-11 Dr. Gursirat Singh notwithstanding that the existence of fracture stood established, however, the crucial question which arises for consideration of this Court is not merely as to whether the victim had sustained injuries or not but also the mode and manner in which the injuries were sustained and as to whether the said injuries have been suitably explained and proved to have been caused in the manner as alleged by the prosecution. It is evident from a perusal of the evidence recorded by the trial Court that the Investigating Officer, in his deposition, categorically admitted that the blood-stained clothes allegedly taken into possession vide memo Ex. PW7/1 did not bear any FIR number or the names of the accused. He further admitted that the said case property was neither sealed in proper parcels nor sent to the Forensic Science Laboratory for examination. In the absence of such procedural safeguards, the evidentiary value of the recovered articles stands seriously diminished. Consequently, the recovery of blood-stained clothes cannot be reliably

connected with the occurrence in question. In the absence of such vital link evidence, even if it is assumed that injuries were sustained by the victims, the prosecution has failed to establish that the same were caused by respondents No. 1 to 3 in the manner alleged. The chain of evidence thus remains incomplete and the involvement of the accused stands uncorroborated and unproven.

19. Under the given circumstances, this Court finds no infirmity in the approach adopted by the learned Trial Court in extending the benefit of doubt to respondents No. 1 to 3/accused persons. The prosecution case, as it stands, rests solely upon the version of the complainant, which remains uncorroborated by any independent or reliable evidence. In the absence of supporting material, such a solitary and self-serving account may not, in the circumstances noticed above form the sole basis for recording a conviction.

20. The uncorroborated version may, at best, only give rise to a strong degree of suspicion, however, the position in law is well settled to the effect that suspicion, however strong, cannot be a substitute for proof. The burden lies on the prosecution to establish its case, by referring to proper evidence, not only that the incident in question took place but also to establish that the said incident took place in the manner as alleged and further, to prove beyond reasonable doubt that the accused persons were the perpetrators of the said offence. In the present case, the prosecution has failed to establish a complete chain of evidence. The lapses on the part of the investigating agency in failing to properly preserve, seal and scientifically examine the seized material creates doubt with respect to the maintainability of the sanctity of the evidence so collected. Once the sanctity of the evidence itself becomes

tarnished and stands compromised, any conviction based thereon may not be sustainable in law. Resultantly, the benefit of doubt has rightly been extended by the trial Court in favour of the respondents No.1 to 3/accused persons. Such a view, being a plausible and legally sound one, does not warrant interference.

21 Counsel for the appellant has failed to refer to any illegality, perversity or error in the findings of acquittal recorded in the judgment under challenge. Accordingly, the present appeal is dismissed. The judgment of acquittal dated 11.09.2018, passed by the Additional Sessions Judge, Amritsar, is accordingly affirmed.

22 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

April 28, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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