

Punjab-Haryana High Court

Gurdit Singh vs Mulakh Raj And Others on 13 February, 2009

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1130 of 2001

Date of decision: February 13, 2009

Gurdit Singh

... Petitioner

vs.

Mulakh Raj and others

... Respondents

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. Ruminderjit Singh, Advocate for
Mr. R.P. Dhir, Advocate for the petitioner.

A.N. Jindal, J

This revision petition has arisen out of the judgment dated 6.1.2001 passed by the Judicial Magistrate Ist Class, Phagwara, acquitting the accused-respondents (herein referred as 'the respondents') of the charges framed against them.

The brief resume of facts is that on 15.6.1997, complainant Ishar Singh got his statement recorded to the effect that on 13.6.1997, at about 5.30 p.m. he was putting fodder to the cattle in the manger. In the meanwhile, Surinder Pal came and prevented him from putting fodder in the manger and also started quarrelling with him. Mulakh Raj armed with Datar and his wife Ram Piari also arrived there. Surinder Pal and Ram Piari caught hold of him and laid him on the ground, whereas, Mulakh Raj inflicted datar blow on his left arm. He raised hue and cry which attracted Sudagar Singh son of Mulkha Singh who rescued him. On the basis of the aforesaid statement, FIR

was registered. Investigation commenced. The respondents were arrested. On completion of the investigation, challan against the respondents was presented in the court.

The respondents were charged for the offences under Section 324/34 IPC to which they pleaded as incorrect and opted to contest.

The prosecution led evidence and ultimately the trial ended in acquittal.

Having scrutinized the impugned judgment, it transpires that Saudagar Singh (PW4) the alleged eye witness of the occurrence did not support the prosecution version and was declared hostile. Despite cross examination by the learned Public Prosecutor nothing could be elicited which may support the prosecution version. He admitted that at the time of occurrence, Mulakh Raj and Ram Piari were empty handed and Surinder Pal was on duty in the G.N.A. Factory. This fact has further been corroborated by Gurdip Singh Cheema (DW1) Deputy Manager, F.N.A. Factory, Mehtiana who categorically deposed that Surinder Pal was on duty from 4.00 p.m. To 12.00 p.m. and on 13.6.1997 he was present there during working hours i.e. from 4.00 p.m. to 12.00 midnight. His testimony finds further corroboration from the testimony of Ranjit Singh (DW2) who also testified that he was in-charge of Surinder Pal Singh on that day and he was present there and he recorded his attendance. Further more, Dr. Gurdit Singh (PW1) has deposed that the injuries suffered by the complainant were superficial in nature and were on the non vital parts of the body. He further deposed that possibility of it being self suffered cannot be ruled out. Now we are left with the solitary statement of Ishar Singh (PW2). There is no bar *** that conviction cannot be based on the solitary statement of the witness provided it transpires confidence, but in the present case statement of Ishwar Singh does not inspire confidence.

The trial court appears to have appreciated the evidence in the right perspective. No illegality much less irregularity has been detected or pointed out resulting into miscarriage of justice. Even otherwise, it is well settled by now that if two views are possible then the view favouring the accused should be accepted.

Resultantly, finding no merit in the petition the same is dismissed.

February 13, 2009
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(A.N. Jindal)
Judge