

CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-1-

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

CRA-D-712-DBA-2004 (O&M)

State of Punjab

....Appellant

V/s

Bachan Singh and others

....Respondent

CRR-1262-2004 (O&M)

Kiranjit Singh and another

....Petitioners

V/s

State of Punjab and others

....Respondents

Date of decision: 24.07.2025

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H.S.GREWAL**

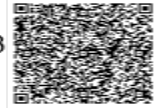
Present: Mr. H.S.Deol, Senior DAG, Punjab.

Mr. Arnav Sood, Advocate as Amicus Curiae
for respondent No.2.

Mr. Naveen Sharma, Advocate
for respondents No.1 & 3 in CRA-D-712-DBA-2004.
(proceedings qua respondents No.1 & 3 already stand
abated vide order dated 08.04.2025).

H.S.GREWAL, J.

1. This order shall dispose of CRA-D-712-DBA-2004 and CRR-1262-2004 as both have arisen out of the same FIR. For the sake of brevity, the facts are being taken from CRA-D-712-DBA-2004.



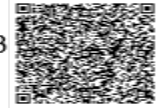
CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-2-

2. CRA-D-712-DBA-2004 has been preferred by the State while CRR-1262-2004 has been preferred by the complainant against the judgment dated 10.02.2004 passed by the learned Additional Sessions Judge, Fatehgarh Sahib in case FIR No.98 dated 31.05.2000, under Sections 307/506/323/34 IPC, registered at Police Station Sirhind, whereby the respondents had been acquitted of the charges by giving them the benefit of doubt.

3. The case of the prosecution is that the complainant PW-6 Karamjit Singh had recorded his statement Ex.PH stating that he and his brother Rupinderjit Singh were living together at shamat deh of village Jallan. Accused Bholi used to ease her child and they had stopped her from creating unhealthy atmosphere. On 30.05.2000 at about 7.00 am, the complainant scolded the child of Bholi who was easing himself in the plot. Bholi, her father Bachan Singh and brother Avtar Singh, took it seriously. When the complainant was talking with Bhupinder Singh, all the three accused caught hold the complainant and gave him slaps and fist blows. The complainant told this occurrence to his brother Rupinderjit Singh and they went to PS Sirhind to inform the police about this occurrence. When they were returning to their village at about 7/8.00 p.m. accused Bachan Singh, who was armed with Gandasa, Accused Bholi and Billu, who were armed with Soti had surrounded the complainant and his brother. Bholi raised lalkara and exhorted her father not to allow the complainant party to go unhurt and they should be taught a lesson. Thereafter, Bachan Singh gave a Gandasa blow from its reverse side on the right side of the head of Rupinderjit Singh with intention to murder him and he fell down on the ground. When the complainant tried to save his brother,



CRA-D-712-DBA-2004 (O&M)

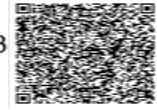
CRR-1262-2004 (O&M)

-3-

then accused Bholi and Billu had given 3-4 soti(lathi) blows on his back side. He raised raula which attracted PW Karam Singh. Accused Bholi and Billu had also given 3-4 lathi blows on the person of Rupinderjit Singh when he was lying on the ground. Thereafter Bholi threatened the complainant party to wipe out the family of the complainant if they reported the matter to the police. Then all the accused ran away from the spot with their respective weapons.

4. The complainant and Karam Singh took Rupinderjit Singh to PGI Chandigarh who was unconscious. The complainant made a statement (Ex.PH) before ASI Surjit singh who made his own endorsement (Ex.PM), on the basis of which formal FIR (Ex.PN) was registered against the accused/respondents. The complainant Karamjit Singh was medically examined at Civil Hospital Fatehgarh Sahib. Accused/appellants Avtar Singh and Bachan Singh were arrested on 02.06.2000. Accused/appellant Bachan Singh had suffered his disclosure statement (Ex.PL) and got recovered Gandasi Ex.M3 which was taken into police possession vide recovery memo Ex.PL/2. Accused/appellant- Kuldip Kaur alias Bholi was arrested on 26.06.2000. After the completion of investigation and all other necessary formalities, challan was presented against the accused/respondents for trial and charges were framed under Sections 323/307/506/34 of IPC to which the respondents pleaded not guilty and claimed trial.

5. Learned State counsel submits that the trial court had erred in acquitting the respondents while there was sufficient material to prove their guilt. Although the prosecution had presented supporting evidence including the eye-witness but the trial court failed to appreciate the testimonies of these



CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

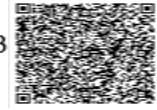
-4-

witnesses and the recoveries made during the investigation and therefore, learned State counsel submits that the judgment of acquittal is liable to be set aside.

6. On the other hand, learned counsel for respondent No.2 submits that there are material inconsistencies in the prosecution case qua the involvement of the appellants. DW2 HC Nirmal Singh, had categorically deposed that no such DDR was registered by the complainant party against the accused/respondents prior to the alleged incident and the respondent-Bachan Singh, who was an old man aged about 75 years, could not deliver a forceful Gandasi blow to the injured-Rupinderjit Singh. Moreover, there was serious inconsistency regarding the date and time of admission of injured Rupinderjit Singh. According to the prosecution, he was admitted immediately after the incident on 30.05.2000, however, as per the medico-legal summary (Ex. PW14/A), the admission took place on 05.06.2000. He, therefore, submits that the present appeal filed against the judgment of acquittal is liable to be dismissed. He also submits that the proceedings qua respondents No.1 & 3, namely, Bachan Singh and Kuldip Kaur @ Bholi already stand abated vide order dated 08.04.2025 and Respondent No.2-Avtar Singh had not been attributed any injury which is grievous in nature.

7. We have heard learned counsel for the parties and have carefully perused the material available on record.

8. In order to prove its case, the prosecution has examined as many as 14 witnesses.



CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-5-

9. PW1 Dr. T.L.Mattu, who had medically examined the injured/complainant Kiranjit Singh, had duly proved carbon copy of MLR EX, PA pictorial diagramme showing nature of injury Ex PA/1, police application Ex. PB and his endorsement Ex.PB/1.

10. PW2 Dr. Puneet Mittal had proved police application Ex. PC and his opinion Ex.PC/1 regarding fitness of injured Rupinderjit Singh.

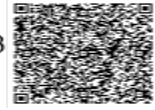
11. PW3 Dr. Shivika Malhotra from PGI Chandiarh, had proved MLR Ex. PD of Rupinderjit Singh, pictorial diagrammes showing location of injuries Ex. PD/1.

12. PW4 Dr. Rupinder Saini from PGI Chandigarh had proved the police application Ex.PE, his opinion Ex.PE/1, another police application Ex. PF and his opinion Ex.PF/1.

13. PW5 Dr. Sukhwinder Singh Gill, who had proved police application [EX.PG/1](#) and his opinion Ex.PG/1 regarding the fitness of injured Rupinderjit Singh.

14. PW6 Kiranjit Singh complainant /injured/eye witness had proved his statement Ex. PH and application Ex.PJ. He had supported the prosecution case.

15. PW7 Injured Rupinderjit Singh had fully supported the version of his brother PW6 Kiranjit Singh. He had deposed that he remained admitted in PGI for one month and was discharged on 29.06.2000. He also deposed that the accused Bachan Singh inflicted injury on his head with an intention to murder him.



CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-6-

16. PW8 Sachu Singh Draftsman had proved scaled site plan Ex.PK of the place of occurrence. PW9 Hari Chand is the marginal witness of disclosure statement of accused Bachan singh Ex.PL Sketch of Gandasi Ex.PL/1, recovery memo Es.PL/2.

17. PW10 SI Surjit Singh had proved the police application (Ex.PE), the statement of Kiranjit Singh (Ex.PH), his endorsement (Ex. PM), FIR(Ex.PN). He had also proved the disclosure statement (Ex.PL) of accused-Bachan Singh, recovery memo vide which Gandasi and two dangs were taken into police possession. Personal search memo(s) of all the accused persons (Ex.PS, Ex.PF and Ex.PT) were duly proved by him. He had also proved the site plan (Ex.PU) from where dangs MO/1 to MO/2 and Gandasi Ex.MO/3 were recovered.

18. PW11 Hameet Singh from PSEB Sub Division Sirhind, who had proved certificate Ex.PX. PW12 Dr. RP Sethi from PGI Chandigarh, had proved Police applications Ex.P/1 Ex.PB/2 Ex.PB/7, his opinions Ex. PB/10 to Ex.PB/12.

19. PW13 Dr. Rakesh Verma had proved the CT Scan report (Ex.PY) of Rupinderjit Singh.

20. PW14 Dr. Rajesh Chabra, PGI Chandigarh had proved Medico legal Summary Report of Rupinderjit Singh as Ex. PW14/A.

21. After closing the prosecution evidence, the statement of the accused/respondents under Section 313 Cr.P.C. were recorded wherein they had denied all the prosecution allegations and also pleaded ignorance regarding the investigation of the case. Accused/respondent-Bachan Singh had pleaded that



CRA-D-712-DBA-2004 (O&M)

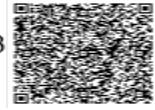
CRR-1262-2004 (O&M)

-7-

in order to grab the Shamlat plot by the complainant party, they had been falsely implicated in this case. He also pleaded that the injuries sustained by the injured-Rupinderjit Singh were self inflicted or caused during the night in a drunkard condition due to some fall. Accused/respondent Kuldip Kaur alias Bholi had categorically pleaded that she was not present at village Jallan at the time of the alleged occurrence. In defence, they had examined DW-1 Tarsem Chand. DW-2 H.C. Nimal Singh from P.S. Sirhind who deposed that no such DDR was lodged against the respondents in the month of May, 2000 at Police Station Sirhind on the application of Kiranjit Singh.

22. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had observed that the prosecution has failed to prove its case.

23. There are material contradictions between ocular and medical evidence inasmuch as the main prosecution witnesses, PW6 Kiranjit Singh and PW7 Rupinderjit Singh deposed that accused Bachan Singh gave a Gandasi blow (from its reverse side) on the head of Rupinderjit Singh and Bholi and Billu inflicted lathi blows on both the victims. However, this version was not supported by the initial medical record (Ex. PD), prepared by PW3 Dr. Shivika Malhotra, who deposed that Rupinderjit Singh was assaulted with an iron rod by some known persons while he was returning home on a bike. There was no allegation of gandasi or soti blows in the statement (Ex. PD) and the absence of weapon and specific injuries in the MLR casts serious doubt on the prosecution story.



CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-8-

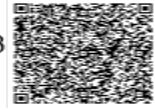
24. It had been noticed by the trial Court that there were certain improvements in the testimonies of the witnesses as the injured-PW7 Rupinderjit Singh never deposed in Court that Bachan Singh gave him a Gandasi blow with intent to murder, although this was a key allegation.

25. It is manifest that the date of admission is also in doubt. There was serious discrepancy regarding the date and time of admission of injured Rupinderjit Singh. According to the prosecution, he was admitted immediately after the incident on 30.05.2000 but as per Ex.PD, the date of admission was 31.05.2000 at 11:45 PM. However, the medico-legal summary (Ex.PW14/A) also indicated that the admission took place on 05.06.2000 which is sufficient to raise doubt about the timeline and genuineness of records.

26. The prosecution alleged that a minor morning scuffle regarding a child easing in the open field, had led to the assault at night. Therefore, the motive attributed to the respondents is also very weak and made the prosecution story unnatural and implausible.

27. The prosecution claimed that Gandasi and dang were recovered based on a disclosure statement from accused/respondent-Bachan Singh. However, the soti(lathi), which was alleged to have been used by Bholi and Billu, was not recovered.

28. The evidence with regard to lodging of prior complaint (DDR) has also not been substantiated because DW2 HC Nirmal Singh, from PS Sirhind had categorically deposed that no such DDR existed in the month of May, 2000 which shows that the alleged earlier incident was not officially recorded and casts doubt on the background and sequence of events built by the prosecution.



CRA-D-712-DBA-2004 (O&M)

CRR-1262-2004 (O&M)

-9-

29. The trial Court had observed that the accused-Bachan Singh was an old man with iron plates fitted in his arm and was physically weak and it is unlikely that he could have delivered a forceful Gandasi blow even from its blunt side. This further added a doubt about whether he participated in the alleged assault or not.

30. Moreover, no independent witness was examined by the prosecution and there is a delay in registration of FIR despite the gravity of offence and availability of Police Station nearby which was unexplained. All these factors combined to give benefit of doubt to the accused/respondents.

31. In view of the above, we do not find any infirmity or illegality in the judgment of the trial Court acquitting the respondents by giving them the benefit of doubt and CRA-D-712-DBA-2004 as well as CRR-1262-2004 are hereby, dismissed.

32. Pending application(s), if any, shall stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

(H.S.GREWAL)
JUDGE

24.07.2025
A.Kaundal

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No