



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-D-315-DBA-2004 (O&M)

Date of decision: 24.07.2025

State of Haryana

.....Appellant

Versus

Balbir Singh and others

.....Respondents

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

Present : Mr. Karan Sharma, DAG, Haryana
for the appellant.

Mr. P.S. Ahluwalia, Advocate
for respondents No.1 to 7, 9, 10 and 13.

Mr. H.S. Randhawa, Amicus Curiae.

Mr. Aman Pal, Advocate with
Ms. Neha Rani, Advocate for the complainant.

Proceedings qua respondents No.8, 11 and 12 abated.

MANJARI NEHRU KAUL, J.

1. The appellant-State of Haryana is challenging the order dated 08.09.2003 passed by learned Additional Sessions Judge, Jind, whereby all the accused were acquitted of the charges framed against them.

2. The present appeal arises out of an alleged assault that led to the death of Prem Chand son of Baru, who was brought to the Community Health Centre, Uchana on 13.08.2001 with multiple injuries on his person. Owing to the severity of his condition, he was referred to the General Hospital, Narwana, for specialised treatment. ASI Kishori Lal, upon learning of the incident, reached the General Hospital, Narwana, only to find that injured Prem Chand (hereinafter



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referred to as 'deceased') had been further referred to PGIMS, Rohtak, for intensive medical care. At that point ASI Kishori Lal, PW-13, proceeded to record the statement of complainant, Satpal, PW-1 son of Ramdhari, resident of village Alipura.

3. While getting his statement (Ex.P1) recorded, PW-1 Satpal alleged that his family and that of accused Bhalle Ram had a long-standing history of hostility spanning nearly eight decades. Frequent quarrels had taken place between the two families in the past due to this continuous animosity.

PROSECUTION CASE IN BRIEF

4. On 13.08.2001, around 8.00 a.m. PW-1 Satpal had gone to the village pond to bring home his herd of buffaloes, where he met the deceased by chance. At the same time, PW-1 Satpal noticed the presence of the accused persons, namely, Balbir, Phul Singh, Lachhman and Dhira (sons of accused Bhalle Ram), Mamraj, Sushil and Devi Dhan (sons of Dhup Singh)—who appeared to have gathered there with a malicious intent. Accused Chander Sekhar, who was also present, gave a signal to the others, upon which they launched a sudden attack on PW-1 Satpal and deceased with their respective weapons.

5. The complainant further alleged that accused Phul Singh, Lachhman and Dhira were armed with *gandasis*; accused Balbir, Chander Sekhar, Sushil and Devi Dhan were carrying sticks and accused Mamraj was armed with a *barchi*.

6. During the assault, accused Lachhman caught hold of complainant Satpal, while accused Balbir struck him on the head with a



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lathi; accused Dhira inflicted a blow with the blunt side of a *gandasi* on the back of complainant Satpal; accused Balbir also hit the deceased on the head with a *lathi*, while accused Phul Singh struck him with the blunt side of a *gandasi*. In addition, accused Sushil and Devi Dhan rained additional *lathi* blows on the head and back of deceased, Prem Chand.

7. Eyewitnesses PW-4 Shiv Narayan and PW Ram Diya (given up by the Public Prosecutor as being unnecessary) who were present at the local bus stand, rushed to rescue the injured but were also attacked by the accused party, receiving multiple injuries.

8. About half an hour after the first occurrence, accused persons intercepted PW Ram Dhari and PW-9 Som Dutt in front of the house of accused Bhalle Ram. There, the accused—including Birbhan, Shri Bhagwan (armed with sticks), accused Satpal, Balwan, Gian (all armed with sticks), and accused Balbir (armed with a gun)—attacked them. Sons of accused Bhalle Ram and Dhup Singh joined the others in assaulting PW Ram Dhari and PW-9 Som Dutt with *lathis* and *gandasis*. The accused also attacked other members of the family of the complainant, namely, Baru, Satyawan, Darshani, Murti, Pala, Randhir, Rajesh, Amrit, and Jai Narayan. The intervention of co-villagers prevented further casualties, as per the complainant.

9. The deceased was thereafter shifted to the hospital from where he was referred to PGIMS, Rohtak due to his critical condition. Despite being provided with medical treatment, he succumbed to his injuries on 14.08.2001. The post-mortem report (Ex.PA, FX, PKK and



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Ex.PKKII) confirmed that the injuries sustained by the deceased were ante-mortem and sufficient to cause death in the ordinary course of nature.

10. On the basis of the statement made by complainant PW-1 Satpal, PW-13 ASI Kishori Lal obtained medical legal reports of all the injured persons and registered a case under Sections 148, 324 and 323 read with Section 149 of the IPC. Following the death of Prem Chand, Section 302 IPC was added. The accused were subsequently chargesheeted for offences punishable under Sections 148, 302/149, 324 and 323/149 of the IPC and committed to the Court of Session. After the completion of prosecution evidence, the entire incriminating material/evidence was put before the accused for the purpose of recording their statements under Section 313 of the Cr.P.C., wherein a categorical stand of self-defence was taken by them.

11. The learned Sessions Court on the basis of the evidence adduced, acquitted all the accused vide impugned judgement dated 08.09.2003, primarily on the following grounds :-

(i) that the incident had taken place at 8.00 a.m. in front of the house of accused Bhalle Ram, and not at the village pond as had been projected by the prosecution;

(ii) that the residential houses of the complainant party were located at a considerable distance from the alleged place of occurrence;

(iii) that four accused persons sustained multiple injuries, including three incised wounds, which the prosecution failed to explain;



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(iv) that the accused party was not the aggressor and had acted in self-defence; the version of the prosecution of two separate incidents was rejected by the learned Trial Court and held that only a single occurrence took place in front of accused Bhalle Ram's house;

(v) that the injuries on the side of the complainant, including that of the deceased, were comparatively minor, with the fatal injury being a swelling on the right parietal region, possibly caused by a blunt object or stone.

Submissions of the Learned State Counsel

12. The learned State counsel argued that the learned Trial Court gravely erred in holding that the complainant party was the aggressor. He submitted that the learned Trial Court failed to appreciate that the accused party had assembled at the village pond with a premeditated design to attack the complainant side. The finding that the incident took place solely near the house of Bhalle Ram is contrary to the evidence on record.

13. It was further argued that the prosecution consistently maintained that two distinct incidents took place within half an hour of each other—the first at the village pond and the second in front of the house of accused Bhalle Ram. The learned Trial Court ignored credible testimonies of the witnesses and wrongly concluded that there was only one occurrence.

14. It was further argued that the learned Trial Court overlooked the long-standing animosity between the parties, which PW-1 Satpal himself admitted. This animosity, stretching over a



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considerable period of time, provided a clear motive for the accused to commit the offence.

15. Furthermore, eyewitnesses Satpal PW-1 and PW-4 Shiv Narayan provided a consistent and reliable account of the assault at the village pond. Their testimony was supported by medical evidence. The rejection by the learned Trial Court of their statements on the ground of absence of blood at the pond was erroneous, particularly when PW-13 ASI Kishori Lal categorically explained that overnight drizzle may have washed away the blood stains—a fact unchallenged during cross-examination.

16. Learned State counsel further argued that the learned Trial Court wrongly inferred that the accused party was not the aggressor merely because some accused sustained injuries. The nature of these injuries was simple whereas the complainant party suffered serious injuries, including the fatal blow to the deceased. The disparity in the gravity of injuries pointed towards the aggression of the accused.

17. A prayer was, therefore, made that in view of the perverse order of acquittal, being based on conjectures and surmises rather than a proper evaluation of evidence, the impugned order deserved to be set aside and the accused respondents convicted for offences under Sections 148, 302/149, 324 and 323/149 of the IPC, since the prosecution had been successful in proving its case beyond doubt.

Submissions on Behalf of Respondents No.1 to 7, 9, 10 and 13

18. Learned counsel for respondents No.1 to 7, 9, 10 and 13, while drawing the attention of this Court to the *ruqa* Ex. P1, Ex.P1/A



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submitted that a bare perusal thereof reveals that the complainant PW-1 Satpal, had elaborately narrated the entire alleged 'second attack' by the respondents on the complainant party. The *ruqa* contains every minute detail, including the date, time, place of occurrence, and the names of the alleged perpetrators. However, when Satpal Singh stepped into the witness box as PW-1, he categorically deposed that he was unable to state anything regarding the alleged second occurrence since he had gone to the hospital. This, according to the learned counsel, reflected a glaring contradiction between the earliest version of the prosecution and the testimony of its star witness.

19. Learned counsel further submitted that none of the persons who were allegedly injured or present during the first incident, described as the 'first occurrence near the village pond', were eyewitnesses to the alleged second incident. Specifically, PW-4, Shiv Narayan, who was stated to be present at the time of the first occurrence, testified during trial that he was unaware of the injuries sustained by Som Dutt, Ram Dhari, Amrit and others, as he was not present at the time of the 'second attack'. This, as per the learned counsel for the respondents, demonstrated that no 'second attack' took place, and that there was, in fact, only a single incident which occurred in front of the house of the accused. It was argued that the version of the prosecution of a second incident is a fabricated narrative intended to falsely implicate the accused. Moreover, this also demonstrates that it was, in fact, the complainant party that had attacked the accused, given that the so-called second occurrence, even as per the prosecution, is



said to have taken place in front of the residence of accused Bhalle Ram.

20. To substantiate this, learned counsel pointed to the testimony of PW-4 Shiv Narayan during cross-examination, wherein he stated that after the first occurrence, they had remained at their residence for about an hour. He specifically admitted that he did not witness the subsequent incident in which Ram Dhari, Amrit and others were allegedly injured. Significantly, as per the learned counsel, PW-4 Shiv Narayan also admitted that several people came to his house after the first incident and merely informed him about the so called second occurrence.

21. Learned counsel next drew the attention of the Court to the testimony of PW-13, ASI Kishori Lal. He testified that the incident had taken place at point 'D' in the site plan Ex.POO, i.e. in front of the house of accused Bhalle Ram. While further drawing the attention of the Court to the testimony of this witness, learned counsel argued that this witness had deposed that heaps of bricks and stones were found lying in front of the house of accused Bhalle Ram. However, no evidence, much less any material was found at the village pond relating to the alleged violence connected with the 'first occurrence'. It was also pointed out that PW-13 Kishori Lal, ASI also admitted during his cross-examination that he had specifically mentioned in the site plan that it was a case of a free fight between the two parties.

22. On the strength of these depositions, learned counsel for the respondents submitted that the case of the prosecution is riddled



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with material contradictions and patent inconsistencies. He also drew the attention of the Court to the findings recorded in the impugned judgement wherein the learned Trial Court, after due evaluation of evidence, observed that the occurrence took place in front of the residential premises of accused Bhalle Ram, whereas the house of the complainant is located at a significant distance. Therefore, learned counsel asserted that the learned Trial Court had rightly concluded that the complainant party were, in fact, the aggressors who attacked the premises of the accused. The so-called 'second occurrence', it was argued, was a fabricated narrative designed by the prosecution to twist the incident to their advantage.

23. Learned counsel for the respondents still further emphasised that the complainant party failed to explain the injuries sustained by the respondents. He argued that as many as four of the respondents suffered various injuries including grievous injuries and that too on vital parts of their body, duly supported by the medical evidence on record i.e. Ex.DA to DD and, therefore, it was evident that a totally twisted version had been brought forth by the the complainant party after colluding with the investigating agency, and it left no manner of doubt that a totally cryptic and questionable investigation had been carried out by the police.

24. Lastly, learned counsel for the respondents contended that there was an inordinate and unexplained delay in lodging the FIR, Ex.P3. The alleged incident is stated to have taken place at about 8.00 a.m., yet the report was lodged with the police only at 4.15 p.m. This



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delay, according to the learned counsel lent strong credence to the contention that the FIR was an afterthought, designed to falsely implicate the accused.

25. We have heard learned counsel for the parties and perused the relevant material on record.

26. Having meticulously examined the entire evidence on record, including the testimonies of the witnesses, medical evidence, and the sequence of events leading to the occurrence dated 13.08.2001, we are of the considered opinion that the findings of the learned Trial Court warrant affirmation.

27. The case of the prosecution suffers from material inconsistencies, suppression of the true genesis of the incident, unexplained injuries on the accused, and an unexplained delay in lodging the FIR, Ex.P3. The defence plea of 'self-defence' emerges as both probable and credible in the backdrop of the evidence available on record. Complainant PW-1 Satpal alleged that on 13.08.2001 at around 8.00 a.m., while he and the deceased were present near the village pond, they were attacked by the persons. It was alleged that while accused Balbir, Devi Dhan and Sushil were armed with *lathis*, other accused Lachhman, Dhira and Phool Chand were carrying *gandasis*; accused Mamraj was armed with a *barchi* and accused Chander Sekhar was allegedly empty-handed.

28. Complainant PW-1 Satpal also deposed that accused Lachhman held him firmly after which he was struck by accused Balbir with a *lathi*, accused Dhira delivered a reverse-side *gandasi* blow on his



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back. Further, PW-1 Satpal also stated that accused Balbir struck the deceased on the head with a *lathi*, followed by another blow from the reverse side of the *gandasi* by accused Phool Chand. As per the complainant, deceased fell on the ground and was then allegedly attacked by accused Devi Dhan, Sushil, Mamraj, Randhir Singh, Pal Singh and Balbir Singh.

29. Allegedly, when Shiv Narayan and Ram Diya attempted to rescue them, they too were not spared by the accused and were assaulted. Deceased was shifted by the complainant to his *baithak* and then to the hospital for treatment.

30. Pertinently, the FIR Ex.P3 was recorded on the basis of Report Ex.P1 lodged by PW-1 Satpal at 04.15 pm, nearly 8 hours after the alleged occurrence. The FIR also detailed a second occurrence said to have taken place in front of the house of accused Bhalle Ram, father of accused Balbir, Phool Singh, Lachhman and Dhira. However, PW-1 Satpal categorically admitted in Court that he had no knowledge of any such second occurrence as he was at the hospital during that period. A close and minute scrutiny of the testimony of PW-1 Satpal reveals substantial contradictions which are as follows:

- though he alleged multiple head injuries on deceased inflicted by accused Balbir and Phool Singh, as per the MLR (Ex.PA) and Post Mortem (Ex.PKK), only a single swelling (5cm x 3cm) on the right parietal area of the skull, along with some superficial injuries on non-vital parts of the body were found.



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- PW-1 Satpal failed to explain how Shiv Narayan and Ram Diya sustained their injuries.
- More importantly, PW-1 Satpal categorically denied knowledge of the injuries suffered by the accused, despite the fact that four accused—namely, Birbhan, Phool Chand, Lachhman, and Rambir—were found to have serious injuries, including incised wounds and head injuries.

31. PW4 Shiv Narayan, who was allegedly injured, also contradicted the initial version. He claimed that accused Chander Sekhar struck him with a *lathi* blow on his head, whereas Satpal had originally stated in the FIR Ex.P3 that accused Chander Sekhar was unarmed.

32. Further, PW-9 Som Dutt admitted that he saw both parties pelting stones and brick bats at each other near the house of none other than accused Bhalle Ram. He also confirmed that the accused had suffered injuries during the confrontation. This deposition aligns with the candid admission of PW-13 Kishori Lal that he had mentioned in site plan (Ex.POO) that it was a case of free fight between the parties, outside the house of accused Bhalle Ram.

33. Coming next to the medical evidence, it further weakens the version put forth by the prosecution.

34. Dr. Rakesh Kumar Sharma, PW-5, examined deceased at 10.25 am on 13.08.2001. He found only one swelling on the right parietal region of the skull, apart from superficial contusions and



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abrasions on non-vital parts.

35. PW-5 Dr. Rakesh Kumar Sharma also examined the accused and recorded the following :

(i) Accused Bir Bhan had an incised wound (8cm x 2.4cm into bone-deep) on the right forearm.

(ii) Accused Phool Chand had an incised wound (9cm x 2cm into bone-deep) between the thumb and index finger, along with injuries on his thigh, chest and leg.

(iii) Accused Lachhman sustained five lacerated wounds, including one on the parietal area of the skull.

(iv) Accused Rambir had an incised wound (2.5cm x 1.0cm into bone-deep) on the chest. These injuries were serious and suggest that the accused was subjected to significant force.

36. On the other hand, the injuries sustained by the complainant party, including Satpal, Shiv Narayan and others, were primarily lacerated wounds and bruises, most of which could result from brickbatting, as confirmed by the doctors.

37. In the instant case, the prosecution attempted to create a narrative of two separate occurrences, one near the village pond and another near the house of accused Bhalle Ram. However, the evidence on record, particularly that of PW-9 Som Dutt and the investigating officer PW-13 Kishori Lal, clearly indicates that the entire incident occurred only near the house of accused Bhalle Ram. There is no credible evidence of any 'first attack'/altercation at the village pond.

38. The presence of the complainant party, heavily armed, at



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the doorstep of the accused raises serious doubts about who the initial aggressors were. The fact that four accused suffered grievous injuries, including incised wounds and head injuries, while the complainant party suffered comparatively minor injuries, suggests that the accused were defending themselves and their property from an armed assault.

39. The delay of eight hours in lodging the FIR further casts doubt on the version put forth by the prosecution; such delay allows for deliberation, fabrication of a version favourable to the complainant, and the possibility of implicating innocent persons while suppressing the true origin of the occurrence.

40. The law recognises that when individuals are faced with imminent peril to life, limb, or property, they are not expected to measure the exact quantum of force required to repel the threat with clinical precision. In moments of sudden provocation or attack, a person exercising the right of private defence is allowed to act with a degree of force necessary to ensure their safety, even if it slightly exceeds what, in hindsight, might appear strictly necessary.

41. In the instant case, the evidence overwhelmingly suggests that the accused were attacked near their own house and responded in self-defence. The nature of injuries on the accused, particularly incised and bleeding wounds, confirms that the complainant party was not unarmed, contrary to its assertions.

42. The prosecution has undeniably proved that the deceased died due to the head injury sustained during the occurrence. However, it has failed to prove beyond reasonable doubt that the fatal injury was



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inflicted by the accused in an unlawful and aggressive manner. The possibility that the injury resulted from brickbattering during a free fight cannot be ruled out.

43. The suppression of the true genesis of the incident, the failure to explain injuries on the accused, the glaring contradictions in the testimonies of the prosecution witnesses, and the delay in lodging the FIR, collectively renders the case of the prosecution unreliable.

44. The learned Trial Court was correct in holding that the accused were not the aggressors but were forced into a violent situation at their own doorstep. They were entitled to exercise their right of private defence, and the evidence on record supports this plea.

45. In light of the above analysis, this Court finds no infirmity or perversity in the impugned judgement. The prosecution has failed to establish the charges framed against the accused. The plea of self-defence raised by the accused is both plausible and supported by the evidence on record.

46. Consequently, the appeal is dismissed and the order of acquittal passed by the learned Trial Court is upheld.

47. Pending applications, if any, stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

24.07.2025

Vinay

(H.S. GREWAL)
JUDGE

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