

2025:PHHC:035550



**112 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRR-487-2025 (O&M)  
DECIDED ON:04.03.2025**

**KRISHAN @ KISHAN**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Deepinder Singh Walia, Advocate  
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

**SANDEEP MOUDGIL. J.**

**CRM-7499-2025**

Prayer in the present application is for condonation of delay of 24 days in filing the present criminal revision petition.

In view of averments made in the application, the same is allowed and delay of 24 days in filing the present criminal revision petition is condone.

**CRR-487-2025 (O&M)**

1. The present revision petition has been preferred against the impugned judgment dated 29.10.2024 passed by learned Sessions Judge, Bhiwani dismissing the appeal filed by the petitioner against the judgment of conviction dated 12.07.2024 and order of sentence dated 15.07.2024 passed by learned Chief Judicial Magistrate, Bhiwani in FIR No.507 dated

12.10.2023, registered under Sections 323, 324, 326, 341 and 506 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station City Bhiwani.

2. The petitioner was sentenced as under:-

<b>Under Section</b>	<b>Sentence</b>
324 IPC	To undergo RI for a period of two years along-with fine to the tune of Rs.1000/-. In default of payment of fine, to further undergo RI for a period of 10 days.
326 IPC	To undergo RI for a period of four years along-with fine to the tune of Rs.2000/-. In default of payment of fine, to further undergo RI for a period of 20 days.
506 IPC	To undergo RI for a period of one year along-with fine to the tune of Rs.500/-. In default of payment of fine, to further undergo RI for a period of 5 days.
<b><u>Note</u></b>	All the substantive sentences were ordered to be run concurrently.

2. The prosecution case is based on a complaint filed by Pawan, a resident of Jagriti Colony, Bhiwani. On October 10, 2023, around 11:30 PM, Pawan was attending a birthday party for his friend Akshay in Roni's plot. When he encountered Krishan, he asked where Krishan was coming from so late. Krishan responded by abusing Pawan and telling him to go home and inform his parents. Later, around midnight, as Pawan was leaving the party, he saw Krishan at the street corner. Krishan then attacked Pawan with a knife, inflicting wounds on his mouth, hand, and leg before fleeing. Pawan created a commotion, and his friend Roni took him to a government hospital, from where he was referred to PGIMS, Rohtak. Additionally, Krishan threatened Pawan, stating he would kill him at the next opportunity. Based on the investigation, a formal FIR was registered.

3. On presentation of challan, as per under Section 207 Cr.P.C. copies of challan and other documents were supplied to the accused free of costs.

4. On finding a *prima facie* case for the commission of offences under Sections 323, 324, 326, 341 and 506 of IPC, charges were framed accordingly, to which he pleaded not guilty and claimed trial and was ultimately convicted.

5. To prove its case, the prosecution examined as many as seven prosecution witnesses, thereafter, prosecution evidence was closed by order.

6. Statement of the accused under Section 313 Cr.P.C was recorded wherein, all incriminating substances were put to him, to which he pleaded innocence and false implication. No evidence was lead by him in his defence and closed it.

7. After hearing learned counsel for the parties and gone through the record available with the trial Court, learned trial Court has convicted and sentenced the petitioner vide its judgment of conviction dated 12.07.2024 and order of sentence dated 15.07.2024, as detailed in para 2 of the judgment above. Aggrieved against the same, the petitioner has filed the appeal before the First Appellate Court, which was also dismissed vide judgment dated 29.10.2024. Hence, the present revision petition.

8. Learned counsel for the petitioner has contended that the trial court and the First Appellate Court made their decisions based on assumptions and speculations. However, there are many discrepancies in the statements of official witnesses as well as complainant-PW-1 and PW-2/Roni but both the courts below have overlooked. The counsel for the petitioner

argues that the recovery of the alleged weapon from the petitioner is questionable. The knife was reportedly found near the boundary wall of T.IT Ground, an area accessible to the public, which raises suspicions that it might have been planted. The recovery memo (Ex PW-6/B) indicates that the knife was openly placed near the wall. Furthermore, PW-6 LHC Kiran testified during cross-examination that the knife had no blood stains and appeared new, adding to the doubts. Additionally, the knife was covered with a yellow plastic sheet at the time of recovery, which further supports the contention that the recovery was not legitimate.

9. It is submitted on behalf of the petitioner that the link evidence in this case is entirely missing. The prosecution has failed to establish a connection between the alleged weapon and the commission of the offence. Although a knife was recovered, it is crucial to note that there were no blood stains on it, which suggests it might have been planted. This is particularly significant since the knife was allegedly used to inflict four blows. Additionally, PW-4 Dr. Ravi testified that the injuries could have been caused by falling on a sharp object or stone, which aligns with the possibility that the knife was not used. The prosecution's failure to send the knife for forensic analysis, such as fingerprint examination, meaning thereby, that they missed an opportunity to establish a clear link between the accused and the knife. Without such evidence, the prosecution's narrative remains unverified. The case primarily relies on the statement of the complainant, which is contradicted by other evidence. PW-2 Roni, the only private witness, did not see the accused inflict injuries and arrived after the accused had fled. This suggests that the petitioner was falsely implicated. Moreover, there was a significant delay of 31 hours in registering the FIR, providing ample time for

the complainant to fabricate a favorable story. Despite this crucial evidence, the trial court did not consider it, leading to an unjust conviction.

10. Learned State counsel has contended that the petitioner has challenged a well reasoned judgment, which is based upon proper appreciation of facts and evidence, therefore, requires no interference of this Court.

11. Heard.

12. In the present case, the petitioner was arrested on 31.10.2023 and during interrogation, he suffered disclosure statement Ex.PW-6/A and in pursuance thereof, he got recovered knife, which was used during commission of present offence vide recovery memo Ex.PW-6/B and the same proves his involvement in the commission of present offence under Sections 324, 326 and 506 IPC. Moreover, PW-2 Roni has fully supported the prosecution version and deposed on the same lines as deposed by complainant-injured PW-1/Pawan. Both the material witnesses PW-1/Pawan and PW-2 Roni were cross-examined at length, which is sufficient to prove allegations against the petitioner-accused. The ocular account provided by the injured witness, Pawan, is corroborated by the medical evidence. The Medical Legal Report (MLR) marked as Ex. PW4/A, prepared by PW4 Dr. Ravi, Medical Officer at CHC Tosham, indicates that Pawan was examined at Government Hospital Bhiwani at 01:43 a.m. on October 11, 2023. The examination revealed four injuries on his person, necessitating further diagnostic tests and specialist opinions. Dr. Ravi's opinion, as recorded in Ex. PW4/C, classified Injury No. 1 as grievous and Injuries No. 2 to 4 as simple. Additionally, he opined in Ex. PW4/E that the injuries could not be ruled out as having been caused by a knife. The medical evidence, including the ruqa

(Ex. PW4/F), supports the prosecution's case by confirming the alleged history of assault on October 10, 2023, at around 11:30 P.M. in Jagriti Colony, Bhiwani. This corroboration strengthens the prosecution's narrative, aligning with legal principles that ocular evidence is generally considered reliable unless contradicted by medical evidence.

13. In the present case, the delay in lodging the FIR is explained by the police proceedings. On October 11, 2023, E/ASI Sanjay was informed that Pawan, the injured party, was admitted to General Hospital, Bhiwani, due to injuries sustained in a quarrel. Subsequently, E/ASI Sanjay and SPO Satpal collected the medical report and contacted Pawan, who stated he would provide a statement the next day after treatment at PGIMS Rohtak. On October 12, 2023, E/ASI Sanjay and SPO Ajit visited Pawan's house, where he filed the complaint (Ex. PW1/A). This sequence of events provides a plausible explanation for the delay in lodging the FIR.

14. Though there are minor contradictions or inconsistencies in the testimony of witnesses but the same cannot undermine the entire prosecution case which is well-established. The Apex Court in the case of *State of Uttar Pradesh v. Ramesh Chandra Sharm: (2004) 2 SCC 353* held that **minor discrepancies, contradictions, or inconsistencies** in the testimony of witnesses cannot be held against the prosecution, as long as they do not affect the core of the case. The Court observed that contradictions in testimony are bound to occur with the passage of time, and therefore, unless such contradictions go to the root of the prosecution's case, they should not affect the overall credibility of the case. In another case i.e. *State of Haryana v. Rattan Singh (1977) 4 SCC 1*; the Supreme Court observed that discrepancies in the statements of witnesses should not be viewed with undue suspicion, especially if they are of a minor nature. The Court ruled that minor

contradictions, which do not go to the root of the matter, should not lead to the rejection of the prosecution's case as a whole.

15. In the case of **Balwinder Singh v. State of Punjab (1995) 4 SCC 75**; the Apex Court made it clear that minor contradictions or omissions in the testimonies of witnesses should not be treated as decisive unless they shake the credibility of the case and the prosecution's case rests on these contradictions.

16. **Dhanraj Singh v. State of Rajasthan (2004) 13 SCC 341**; This judgment also reaffirms the principle that minor discrepancies or contradictions are bound to occur with the passage of time and are not sufficient to destroy the prosecution case, unless they go to the root of the matter. In the case of **State of Rajasthan v. Kashi Ram (2006) 12 SCC 254**; the Supreme Court again observed that minor contradictions or discrepancies in the statement of witnesses are not grounds to reject the prosecution's case. The Court emphasized that the prosecution case must be judged in its entirety, and contradictions that are not substantial should not be given undue importance.

17. These judgments collectively establish that minor contradictions or discrepancies in witness testimony, which do not go to the root of the prosecution's case, should not lead to the rejection of the prosecution's entire case. Such inconsistencies are often inevitable with the passage of time, and unless they significantly impact the material facts of the case, they do not undermine the prosecution's case. Therefore, the delay in lodging the FIR, being satisfactorily explained, does not fatally impact the prosecution's case.

18. In view of the discussion made hereinabove, this Court is of the considered view that while convicting the petitioner, the trial Court has

passed a well reasoned order, which was affirmed by First Appellate Court, hence requires no interference of this Court. Accordingly, the impugned judgments are upheld.

19. Dismissed.

20. All the pending criminal misc. applications, if any, also disposed off.

**04.03.2025**

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**(SANDEEP MOUDGIL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether Reportable* : *Yes/No*