



CRA-S-410-SB-2011 (O&M) &
CRM-A-491-MA-2011 (O&M)

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

(1) **CRA-S-410-SB-2011 (O&M)**

Jarnail Singh and another

... Appellants

Versus

State of Punjab

... Respondent

(2) **CRM-A-491-MA-2011 (O&M)**

Surjit Singh

... Appellant

Versus

State of Punjab and others

... Respondents

Reserved on : 23.09.2025

Date of Pronouncement : 30.09.2025

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Deep Inder Singh Walia, Advocate
for the appellants in CRA-S-410-SB-2011.

Ms. Jyotnoor Kaur Sethi, Advocate (*Amicus Curiae*)
for the appellant in CRM-A-491-MA-2011.

Mr. Rishabh Singla, AAG, Punjab

H.S. Grewal, J.

1. This order shall dispose of CRA-S-410-SB-2011 and CRM-A-491-MA-2011 as these are arising out of the same FIR and the judgment dated



20.01.2011 passed by the learned Additional Sessions Judge, Ferozepur. For the sake of brevity, the facts are being taken from CRA-S-410-SB-2011.

2. CRA-S-410-SB-2011 has been preferred by the appellants-Jarnail Singh and Amrit Pal Singh against the judgment of conviction and order of sentence dated 20.01.2011 passed by the learned Additional Sessions Judge, Ferozepur in FIR No.226 dated 09.10.2006, registered at Police Station Sadar Abohar, whereby the appellants had been convicted under Sections 308/34 IPC and sentenced to undergo rigorous imprisonment for 03 years, to pay a fine of Rs.5,000/- each and in default thereof, to undergo further RI for 06 months.

3. CRM-A-491-MA-2011 has been preferred by the injured-Surjit Singh against the aforesaid judgment, whereby respondents No.2 & 3, namely, Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar had been acquitted of the charges by giving them the benefit of doubt. Further prayer has also been made for enhancement of sentence to respondents No.4 & 5.

4. The case of the prosecution is that on 09.10.2006, on receipt of M.L.R(s) of Surjit Singh s/o Nazar Singh and Kulvir Singh s/o Bikkar Singh from Civil Hospital, Abohar in Police Station Sadar Abohar, Head Constable Baljit Singh along with other police officials reached in Civil Hospital Abohar and sought the opinion of the doctor regarding the condition of the injured but the doctor declared both the injured unfit to make their statements. On the same day, H.C. Baljit Singh and other police officials again visited the said hospital where he came to know that Surjit Singh had already been referred to Ganganagar Hospital. Doctor declared injured-Kulbir Singh fit to make statement. Then injured Kulbir Singh got recorded his statement to the effect



that he is resident of village Bhangala. Surjit Singh, Mohan Lal, Hukam Raj and Kala Singh being masons had taken a contract for constructing the house of Mohan Lal s/o Pirthi Raj. On 08.10.2006, in the evening, he along with aforesaid persons was returning their houses on motorcycles. They went to the liquor vend owed by Sukhdev Singh (accused) for taking liquor but the same was closed at that time. There was party faction in between Sukhdev Singh and Surjit Singh. However, he (complainant) made a call to Sukhdev Singh at his house, who came out and on seeing Surjit Singh, he called his brothers-Jarnail Singh and Pal Singh who raised a *lalkara* that Surjit Singh had come and he should not be allowed to go unhurt. Then Jarnail Singh, who was armed with handle of hand pump, Sonu @ Amrit Pal Singh was armed with a rod, Pal Singh, Monu @ Maninder Pal Singh and Kuldeep Singh were empty hand at that time came. Thereafter, Jarnail Singh gave a blow of his handle of hand pump to Surjit Singh which hit on his head and as a result thereof, he fell down on the ground. He went ahead to escape Surjit Singh, then Jarnail Singh gave another blow of handle of hand pump which hit on his left shoulder. Then Sonu gave rod blow on the head of complainant. Sukhdev Singh gave a danda blow on his right arm. He raised alarm and the persons present there came at the spot and the accused fled away from the spot with their respective weapons.

5. On the statement of the complainant, present case was registered against the accused persons. The Investigating Officer inspected the spot and prepared site plan. On 12.10.2006 on receipt of the report from Tania Hospital, Ganganagar regarding injury on the head of Surjit Singh being dangerous to life, offence under Section 308 IPC was added in the FIR.



6. During investigation conducted by SHO Major Singh, Jarnail Singh, Pal Singh, Sonu @ Amrit Pal Singh and Monu @ Maninder Pal Singh were declared innocent. D.S.P Abohar also verified the said investigation and was in agreement with the same. After completion of the investigation, challan was presented against accused/respondents-Sukhdev Singh @ Sukha and Kuldeep Singh alias Panchar and charges were framed against them under Sections 308, 325, 323/34 IPC to which they pleaded not guilty and claimed trial.

7. Thereafter an application under Section 319 Cr. P.C was filed by the State on 03.03.2009 for summoning Jarnail Singh, Pal Singh, Amritpal Singh and Maninder Pal Singh as accused in this case. The said application was partly allowed to the extent of summoning of Jarnail Singh and Amritpal Singh as accused to face trial under Sections 308, 325, 323/34 IPC.

8. Later on, charge under Section 308, 325, 323 read with section 34 IPC was framed against all the four accused persons to which they pleaded not guilty and claimed trial.

9. In order to substantiate the charge against the accused persons, the prosecution had examined PW1 Surjit Singh, PW2 Krishan Ram Patwari, PW3 Dr. M.L. Madaan, PW4 Mohan Lal, PW5 Gurmit Singh, PW6 Dr. Baldev Raj, PW7 H.C. Baljit Singh and PW8 Dr. Mahesh Maheshwari.

10. PW1 Surjit Singh(injured) had deposed that on 08.10.2005, he along with Mohan Lal, Hukam Raj, Kala Singh, Kulbir Singh were working in the house of Mohan Lal s/o Pirthi Raj for the construction of his house. After completing the work, they were going towards village Bhangala on their



motorcycles. On their way, they made a plan to consume liquor. Sukhdev Singh s/o Bana Singh was working with the wine contractor at liquor vend in his village. Their family had a dispute with the family of said-Sukhdev Singh since a long time. When they reached the liquor vend, it was closed and Sukhdev Singh was selling liquor in his house. Thereafter, Kulbir Singh called Sukhdev Singh, who came out of his house. On seeing him, he called his brother Jarnail Singh and Pal Singh, who came there. Sukhdev Singh told his brothers that they have caught their enemy and he be taught a lesson. At that time, Jarnail Singh armed with handle of hand pump, Amritpal Singh armed with an iron rod, Maninder Pal Singh armed with danda, Pal Singh armed with soti came there while raising *lalkaras*. Thereafter, Jarnail Singh gave a blow of the handle of hand pump which hit on his head as a result of which, he fell on the ground. When Kulbir Singh tried to rescue him, then Jarnail Singh gave blow of the handle of hand pump which hit on the shoulder of Kulbir Singh. Then Sonu gave a danda blow which also hit on the head of Kulbir Singh. Then Sukhdev Singh gave a danda blow which hit at the right arm of Kulbir Singh. They raised hue and cry, upon which Mohan Lal, Hukam Raj, Kala Singh and his brother Gurmit Singh came there to rescue them and thereafter, all the appellants ran away from the spot with their respective weapons. Then he and Kulbir Singh were brought to Civil Hospital Abohar from where he was taken to Tania Hospital, Ganganagar where he was operated upon.

11. PW2 Krishan Ram, Patwari deposed that on 08.11.2006, he had prepared scaled site plan (Ex.P1) on the instructions of Mohan Lal.



12. PW3 Dr. M.L. Madaan, Eye Specialist had tendered into evidence his affidavit (Ex.PW3/A) in which he deposed that on 08.10.2006, he medico-legally examined Surjit Singh s/o Nazar Singh and had found the following injuries on his person:—

“1. Lacerated wound 5 cm x 1 cm on the scalp of right side of forehead 2 cm from the mid line extending from the right eyebrow upwards to the right anterior parietal region, muscle deep with depressed fracture of skull. Fresh bleeding and tenderness was present. X-ray was advised.”

He also deposed that at that time the patient was unconscious. The kind of weapon used for this injury was blunt and the probable duration of the injury was within 6 to 8 hours. This injury was declared grievous. Later on, as per report dated 12.10.2006 received from Dr. Mahesh Maheshwari of Tania General Hospital, Ganganagar, the said injury was declared dangerous to life.

13. PW3 Dr. M.L. Madaan, further deposed that on the same day at 11 PM, he also medico legally examined Kulbir Singh s/oBikar Singh and had found the following injuries on his person:—

“1. Lacerated wound 1.8 cm x 0.5 cm on the scalp of left side of anterior parietal region, adjoining the frontal region, skin deep. Fresh bleeding and tenderness was present. Advised x-ray.

2. Lacerated wound 1.5 cm x 0.5 cm on the postero lateral aspect of right forearm, skin deep. Fresh bleeding and tenderness was present. Advised x-ray.



3. Abrasion with reddish contusion 1.5 cm x 0.5 cm on the upper part of top of left shoulder. Tenderness was present. Advised x-ray.”

He also deposed that the kind of weapon used for all the injuries was blunt and probable duration was within six hours. The nature of injuries after receipt of x-ray report was simple. He brought the original MLR and proved the copy of the same as Ex.P4 and pictorial diagram as Ex.P5. He proved his report regarding Surjit Singh injured as Ex.P6 and that of injured Kulbir Singh as Ex.P7. He also proved his endorsements regarding fitness and unfitness of patients on police requests dated 9.10.2006 as Ex.P8, Ex.P9 and Ex.P10.

14. PW4 Mohan Lal has not supported the case of the prosecution and was declared hostile.

15. PW5 Gurmit Singh deposed that he is working as mason and also doing the business of shuttering at village Bhangala. They are three brothers. Surjit Singh is the eldest, Baljit Singh is younger to Surjit Singh and he is the youngest one. He and his brothers are masons. In village Ramgarh, his brother Surjit Singh and Hukam Raj, Mohan Lal and Kala Singh made an agreement to construct the house of deceased Mohan Lal. On 08.10.2006 at about 08:00 P.M., he was to go to his house at Malout from village Bhangala. When he reached near the liquor vend belonging to Sukhdev Singh-accused, there was electric light. He saw that Surjit Singh was injured and blood was oozing out from his head. Dalbir Singh had an injury on his head. Jarnail Singh was armed with handle of hand pump, Sukdev Singh, Kuldeep Singh and Pal Singh were



armed with dandas. Amrit Pal Singh was armed with iron rod. When he reached there, parties went to their respective houses. Then one jeep was arranged and the injured were taken to Civil Hospital. He went to Civil Hospital Abohar after arranging the money.

16. PW6 Dr. Baldev Raj had tendered into evidence his affidavit (Ex.PW6/A) wherein he deposed that on 09.10.2006 when he was posted as Medical Officer in Civil Hospital, Abohar, he radio-logically examined patient- Kulbir Singh s/o Bikkar Singh. X-ray of skull was done. No abnormality was detected by him. X-ray of right forearm AP and lateral views was done and no abnormality was detected. X-ray of left shoulder AP view was done and no abnormality was detected. He also proved his X-ray report as Ex.PW6/B and X-ray films as Ex.PW6/C to Ex.PW6/F.

17. PW7 Head Constable Baljit Singh, who is the Investigating Officer of this case, had proved the investigation conducted by him in this case and he had proved various documents i.e. applications moved by him as Ex.PW7/1, Ex.PW7/2, Ex.PW7/3, on which doctor made his endorsements (Ex.P8, Ex.P9), statement of Kulbir Singh-injured as Ex.P1, FIR as Ex.PW7/7, site plan as Ex.PW7/8, another application moved to the doctor at Tandia Hospital as Ex.PW7/9, endorsement of the doctor on the said application as Ex.PW7/10, rapat (Ex.PW7/11) vide which offence under Section 308 IPC was added, recovery memo as Ex.PW7/12, disclosure statement of accused Kuldip Singh as Ex.PW7/13, recovery memo as Ex.PW7/14, site plan as Ex.PW7/15, grounds of arrest of accused as Ex.PW7/16, personal search memo of the accused as Ex.PW7/17, applications moved before the doctor of Tandia



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Hospital as Ex.PW7/18, Ex.P20 endorsements made by the doctor on the said application as Ex.PW7/19 and Ex.PW7/21. He also proved danda MO1 and handle of hand pump MO2.

18. PW8 Dr. Mahesh Maheshwari had deposed that on 09.10.2006, Surjit Singh s/o Nazar Singh was referred by the doctor of Civil Hospital Abohar to his hospital Tantia Hospital Ganganagar and he examined the patient. On his examination, the patient had skull base injury with right basi frontal contusion. Patient was operated for head injury and the injury was dangerous to life. He proved original bed head ticket of the injured as Ex.PW8/B, summary treatment of the patient as Ex.PW8/C. He also proved endorsements made by him as Ex.PW7/10, Ex.PW7/19, Ex.PW7/21 on the police applications Ex.PW7/9, Ex.PW7/18 and Ex.PW7/20.

19. After closing the prosecution evidence, the statements of the appellants under Section 313 Cr.P.C. were recorded wherein they had denied all the allegations and pleaded innocence.

20. Sukhdev Singh (accused/respondent) pleaded that he has been falsely involved in this case. He is the brother of appellant - Jarnail Singh. The complainant was annoyed with his brother for deleting the names from the voter list. He is running a wine shop and the complainant was dealing in illicit liquor resulting loss to him and this fact annoyed the complainant.

21. Kuldeep Singh (accused/respondent) pleaded that he has been falsely involved in this case. He is working as a labourer in the wine shop of Sukhdev Singh(appellant). Injured-Surjit Singh was given injuries by some



unknown persons. He has been falsely involved in the present case due to suspicion as he used to check illicit distillation and sale of illicit liquor with Sukhdev Singh.

22. Appellant-Jarnail Singh pleaded that he has been falsely involved in this case. He is working as a Government Teacher. At the time of alleged occurrence, he was entrusted with the preparation of voter list for the assembly elections. He had deleted the names of certain voters from the voter list including the names of relatives and party-men of the complainant party. Due to this reason, the complainant involved him and his relatives in the present case, however, he was not even present at the time of alleged occurrence.

23. Appellant-Amrit Pal Singh pleaded that he has been falsely implicated in this case. He had gone to his maternal parents at Goluwala Tehsil and District Hanumangarh for a few days and was not present at the time of alleged occurrence. The complainant party was inimical towards his father-Jarnail Singh.

24. In their defence, they had examined DW1 Jaskaran Singh and DW2 Head Constable Sukhdial Singh.

25. DW1 Jaskaran Singh stated that on 08.10.2006 at about 08:15 P.M he was going from his house to his fields. When he was passing on the road, a person was seen by him raising *raula* and another person was lying near him in unconscious condition. At that time, two unknown persons who were not identified were running from that place. It was dark at that time. Kulbir Singh told that two unidentified persons had caused injuries to them and had escaped



from the place. None of the accused was present at the place of occurrence nor injuries were caused by them.

26. DW2 Head Constable Sukhdial Singh had stated that he had brought the summoned record i.e., zimny and proved the copy of the same as Ex.D1. The zimny is signed by DSP Amrik Singh. Vide this zimny the investigation was done by SI Major Singh which was accepted by DSP vide which accused Jarnail Singh, Amrit Pal Singh, Pal Singh and Maninder Singh were declared innocent.

27. After considering the statements of all the witnesses and taking into account the evidence led by both the sides, the trial Court had convicted the appellants- Jarnail Singh and Amrit Pal Singh for the commission of an offence under Section 308/34 IPC. However, co-accused Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar were acquitted of the charges.

28. Learned counsel for the appellants in CRA-S-410-SB-2011 submits that the trial Court had erred in convicting the appellants- Jarnail Singh and Amrit Pal Singh under Section 308/34 IPC inasmuch as they were not named as the main accused in the FIR. In fact, the initial investigation conducted by SI Major Singh found them innocent and this finding was duly endorsed by the Deputy Superintendent of Police, Abohar. The challan was initially presented only against Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar. The appellants were later summoned at a belated stage on an application under Section 319 Cr.P.C., which itself demonstrates that their implication was an after-thought. He further submits that the main accused, Sukhdev Singh and Kuldeep Singh, were acquitted by the trial Court, therefore,



there was no justification to convict the appellants who were roped in at a later stage without strong evidence. Learned counsel further submits that there was no recovery of any weapon allegedly used by the appellants. This omission is fatal to the prosecution story. PW4 Mohan Lal, who was an alleged eye-witness, did not support the prosecution version and was declared hostile. Learned counsel also submits that there was long-standing enmity between the complainant party and the appellants, particularly because appellant-Jarnail Singh, being a Government Teacher, had deleted the names of certain relatives of the complainant from the electoral rolls. This rivalry provided a strong motive for false implication. Further, the injured witnesses were treated at a private hospital, leaving room for possible manipulation of medical opinion. Therefore, he prays for allowing the appeal, setting aside the impugned judgment and order of sentence qua the appellants and acquitting them of all the charges.

29. Learned counsel for the appellant in CRM-A-419-MA-2011 submits that the trial Court had erred in acquitting respondents No.2 & 3, namely, Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar by extending the benefit of doubt to them despite the presence of sufficient evidence to establish their guilt. He further submits that both these respondents were the principal assailants, the FIR was initially lodged against them and the injured witnesses had consistently named them. He also submits that the trial Court had failed to appreciate the medical evidence and the consistent ocular account of the injured witnesses that pointed towards the involvement of these respondents. The trial Court has also overlooked material aspects while



acquitting them and such acquittal resulted in a miscarriage of justice. He, therefore, prays for allowing the appeal, setting aside the judgment of acquittal qua Sukhdev Singh and Kuldeep Singh. He also prays for enhancement of sentence qua respondents No.4 & 5-Jarnail Singh and Amrit Pal considering the gravity of the injuries sustained by Surjit Singh.

30. Learned State Counsel, while supporting the impugned judgment regarding conviction, submits that the prosecution has fully proved the case of the prosecution. He submits that the testimonies of the injured witnesses coupled with medical evidence were sufficient to prove the guilt of the appellants beyond reasonable doubt. Learned State Counsel further submits that the presence of injuries on the persons of PW1 Surjit Singh and Kulbir Singh gives strong corroboration to the prosecution story and minor contradictions or discrepancies in the testimonies of the witnesses ought not to have been given undue weight, especially in a case where injured witnesses have themselves supported the prosecution version. Therefore, he prays for dismissal of the appeal preferred by the appellants-Jarnail Singh and Amrit Pal Singh.

31. Having carefully considered the rival submissions advanced on behalf of the appellants as well as the learned State counsel and after going through the evidence on record, this Court is of the opinion that the conviction of the appellants-Jarnail Singh and Amrit Pal Singh recorded by the learned Additional Sessions Judge, Ferozepur cannot be sustained for the reason that the prosecution case primarily rests on the testimonies of the injured witnesses,



namely, Surjit Singh (PW1) and Kulbir Singh. Significantly, before summoning of the appellants- Jarnail Singh and Amrit Pal Singh under Section 319 Cr.P.C., Kulbir Singh had appeared as a prosecution witness and supported the initial version. However, in his cross-examination, he specifically admitted that the incident occurred in the darkness of the night, there was no source of light at the place of occurrence and after receiving the first blow he fell unconscious and, therefore, could not identify who caused the remaining injuries. He further admitted that he was not in a position to attribute specific overt acts to any particular accused/appellant. Importantly, after the appellants were summoned to face trial under Section 319 Cr.P.C., injured-Kulbir Singh never entered the witness box again to corroborate the allegations against them. As such, his evidence does not inspire confidence to record a conviction.

32. It is also important to note that initially, the challan was presented only against Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar, treating them as the principal assailants. The Investigating Officer, SI Major Singh, after a detailed enquiry, had found Jarnail Singh and Amrit Pal Singh along with others innocent, which finding was duly verified and endorsed by the Deputy Superintendent of Police, Abohar. Only at a much later stage, on an application moved under Section 319 Cr.P.C., the present appellants were summoned to face trial. The fact that the original accused, against whom the case was primarily launched, were acquitted by the trial Court itself shows that the prosecution version was not free from doubt. The subsequent introduction of the appellants as accused in place of the earlier ones raises a serious doubt



about the fairness of the prosecution story and makes the case appear to be an after-thought.

33. Although the prosecution alleged that Jarnail Singh had hit Kulbir Singh on the shoulder and Amrit Pal Singh delivered a danda blow on Kulbir Singh's head, it was further alleged that Jarnail Singh struck Surjit Singh on the head with a hand-pump handle, causing him to fall to the ground, and when Surjit Singh tried to escape, Jarnail Singh again hit him on the left shoulder. It was also alleged that Amrit Pal Singh struck the complainant on the head with an iron rod and Sukhdev Singh gave a danda blow on his right arm. However, none of the alleged weapons i.e. the hand-pump handle or the iron rod, was ever recovered at the instance of the appellants, nor was any other incriminating evidence adduced to connect them with these weapons. This unexplained non-recovery casts a serious doubt on whether such weapons were used at all or, if used, whether they were carried by the appellants, thereby substantially weakening the prosecution's case.

34. Another important fact is that PW4 Mohan Lal, who was cited as an eye-witness to the occurrence, did not support the prosecution version and was declared hostile. The absence of corroboration from neutral witnesses casts further doubt on the version of the complainant.

35. The admitted background of political and personal rivalry between the families of the complainant and the appellants cannot be ignored and the prosecution has changed the nature of the case mid-trial. It has come on record that appellant-Jarnail Singh, being a Government Teacher, was entrusted with the work of preparation of electoral rolls for the Assembly elections and had



deleted the names of some relatives of the complainant from the voter list. This admitted enmity furnishes a strong motive for false implication, particularly when the medical treatment of the injured was carried out in a private hospital, leaving scope for influence or exaggeration.

36. The defence witnesses have raised a credible possibility that some unknown persons may have been involved in the incident. DW1 Jaskaran Singh testified that he had seen two unidentified persons fleeing from the spot immediately after the occurrence and that Kulbir Singh himself had stated that the injuries were caused by unknown persons. His testimony remained unshaken in cross-examination and aligns with the initial uncertainty about the identity of the assailants. Notably, the initial investigation conducted by SI Major Singh had found the appellants innocent; it was only at a later stage that the investigation was handed over to PW7 Head Constable Baljit Singh under suspicious circumstances. These factors cast a serious doubt on the prosecution's version of events and further weaken its case.

37. In view of the above, it is apparent that the prosecution has failed to prove its case beyond all reasonable doubt against the appellants and the possibility of false implication cannot be ruled out.

38. Consequently, the appeal i.e. CRA-S-410-SB-2011 is allowed and the judgment of conviction and order of sentence dated 20.01.2011 passed by the learned Additional Sessions Judge, Ferozepur are, hereby, set aside. The appellants- Jarnail Singh and Amrit Pal Singh are acquitted of all the charges by giving them the benefit of doubt.



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39. Similarly, this Court does not find any perversity, illegality or mis-appreciation of evidence in the well-reasoned judgment passed by the learned trial Court acquitting respondents No.2 & 3-Sukhdev Singh @ Sukha and Kuldeep Singh @ Panchar and the appeal filed by the injured i.e. CRM-A-491-MA-2011 is, hereby, dismissed

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

30.09.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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