

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:003102



CRA-AS-40-2025 (O&M)
Date of Decision:13.01.2026.

Satpal

....Appellant.

Versus

Ajay and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Dhruv Chowfla, Advocate (Legal Aid Counsel)
for the appellant.

Sukhvinder Kaur, J.

1. Appellant has preferred the instant appeal against judgment dated 11.11.2024, passed by learned Additional Sessions Judge, Jind, vide which accused/ respondents No.1 and 2 have been acquitted.

2. Factual scenario, as unfurled by prosecution is that on 08.06.2018, at about 08:00 PM when complainant Satpal was going to his house from shop for taking articles and when he reached near his house, then Ajay came out from his house and gave him lathi blows. Thereafter, his son Rahul also came there and gave injuries on his arm and Poonam wife of Ajay caused injuries on his back. When he raised alarm, all the aforesaid persons fled from there alongwith their respective weapons. All the accused caused injuries to him due to previous enmity.

On the basis of aforesaid complaint, formal FIR Ex.P18 was

registered. The investigation of this case was conducted by PW-6 DSP Pawan Kumar. During investigation, statements of the witnesses under Section 161 Cr.P.C. were got recorded. Complainant Satpal produced his caste certificate. Accused Ajay was arrested on 03.07.2018. Rough site plan of place of occurrence was prepared. Accused Ajay got recorded his disclosure statement Ex.P9 and demarcated the place of occurrence vide memo Ex.P12. On 18.09.2018, accused Ajay produced accused Shakuntla @ Poonam. Accused Shakuntla was already on anticipatory bail. She was formally arrested and she also suffered her disclosure statement Ex.P13 and demarcated the place of occurrence vide memo Ex.P14. After completion of all other formalities of investigation, challan under Section 173 Cr.P.C. against the accused persons was presented in the court, for judicial verdict.

3. After finding a prima facie case against the accused, they were charge-sheeted for the offences punishable under Sections 323, 341 read with Section 34 of IPC and Section 3(2)(v) of SC/ST Act, to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1-Mandeep Singh Lather, Medical Officer, PW2-Surender Singh ASR, SDM Office, Jind, PW3-HC Virender, PW4-Lady Constable Lalita Rani, PW5-Dilbag Singh, PW6-Pawan Kumar, DSP, Investigating Officer, PW7- ASI Satish, PW8-Complainant Satpal and PW9-Kamlesh.

PW1 Mandeep Singh Lather, Medical Officer, proved indoor file of patient Satpal as Ex.P4 and gave opinion that all the injuries were simple in nature.

PW2-Surender Singh ASR, SDM Office, Jind, proved Scheduled Caste Certificate Ex.PW8 of Satpal.

PW3-HC Virender, deposed regarding investigation proceedings and arrest of accused. He proved disclosure statement Ex.P9, in pursuance of which lathi used in the commission of offence was recovered.

PW4-Lady Constable Lalita Rani, deposed that accused Shakultla was arrested on 18.09.2018, who suffered disclosure statement Ex.P13 and got demarcated the place of occurrence vice memo Ex.P14.

PW5-Dilbag Singh, proved the scaled site plan Ex.P15.

PW6-Pawan Kumar, DSP, the Investigating Officer, deposed regarding various investigation proceedings conducted in the present case and proved the FIR, site plan Ex.P16, rough sketch of lathi Ex.P11, recovery memo Ex.P10, disclosure statement Ex.P9, memo Ex.P12 regarding demarcation of place of occurrence, scaled site plan Ex.P15.

PW7- ASI Satish, deposed that on 12.06.2018, complainant Satpal was declared fit to make statement, who got recorded his statement Ex.P18.

PW8-Complainant Satpal reiterated the facts as stated by him in his statement, on the basis of which the present FIR was registered.

PW9-Kamlesh (wife of the complainant), deposed on the similar lines as per statement of PW8.

5. Statements of accused under Section 313 Cr.P.C. were recorded in which, all incriminating evidence was put to them, which they denied and pleaded innocence. In their defence evidence, the accused examined DW1 Kusum Lata.

6. After considering the evidence on record, learned trial Court found the same to be woefully insufficient to convict the accused who were accordingly acquitted of the offences for which they had been charge-

sheeted, vide impugned judgment dated 11.11.2024.

7. Aggrieved of the said decision, present appeal has been filed by the appellant challenging acquittal of the accused/ respondents No.1 and 2.

8. Learned counsel for the appellant contended that the evidence on record has not been appreciated by learned trial Court in the right perspective. The evidence on record demonstrate that the accused in furtherance of common intention wrongly restrained the complainant and voluntarily caused simple hurt to him knowing that he was member of Scheduled Caste community. Trial Court has wrongly observed that the prosecution failed to explain the injuries upon the accused, whereas there was nothing on record to show that accused Ajay had sustained any injuries. He further contended that from the evidence on record, it is proved that the accused party was the aggressor party. The weapon of offence was also recovered on the basis of disclosure statement of accused Ajay, who also disclosed the manner in which he had committed the offence. He urged that the Scheduled Caste certificate of the appellant is not disputed and accused was also in the knowledge that the appellant/ complainant belongs to Scheduled Caste community. In the cross case, complainant had already been acquitted vide judgment dated 11.11.2024 in Sessions case RBT No.150A [SC/159/2023] titled as 'State Vs. Satpal and another'. He prayed that this appeal be accepted, judgment dated 11.11.2024 be set aside and accused be convicted for the offences as charged with and be punished accordingly.

9. After having heard learned counsel for the appellant at length and having perused the impugned judgment as well as other relevant record, I have considered opinion that prosecution in the instant matter was unable

to prove its case against the accused beyond reasonable doubt.

10. This is a case of version and cross version. The criminal case under Section 323, 452, 506 IPC read with Section 34 IPC was also registered against the complainant.

11. While appearing as PW8-Satpal (complainant) denied during his cross-examination that on 08.06.2018, he had entered in the house of accused Shakuntala @ Poonam and tried to outrage her modesty or that he had also altercation with her son Rahul or that he was given beatings by accused Shakuntala and Ajay at any point of time or that he had registered a false FIR against the accused persons just to save him from legal punishment. He also denied that Kusum wife of Ravinder had also filed a complaint of molestation against him or that Ram Bhagat son of Roshan had also filed a complaint of molestation of his wife against him. PW-9 Kamlesh wife of complainant had also denied in her cross-examination that on 08.06.2018, her husband had entered in the house of accused Shakuntala @ Poonam and tried to outrage her modesty or that her husband had also altercation with her son Rahul or that accused Shakuntala and Ajay did not give beatings to her husband at any point of time or that they had got registered a false FIR against the present accused just to save them from legal punishment. She also denied that Kusum Lata wife of Ravinder also filed a complaint of molestation against her husband or that Ram Bhagat son of Roshan also filed a complaint of molestation of his wife against her husband.

12. The aforesaid version of the complainant and his wife stands falsified from testimony of DW-1 Kusum Lata, who deposed that complainant was a characterless person, who used to eve tease the women

folk of the village. Their plot is situated near his house. When she visited their plot for throwing the cow dung, then Satpal made vulgar gestures to her and he put off his clothes and stood naked before her. She moved an application Mark A to SP Jind. She also came to know that Satpal had entered in the house of Poonam and tried to outrage her modesty. In her cross-examination she denied that her family had visiting terms with accused Poonam and Ajay and she had falsely deposed to save them from the legal punishment. Though she admitted that no action was initiated on her application mark A against accused Satpal, yet, she voluntarily stated that the matter was compromised in village Panchayat.

13. As per affidavit Ex.D2 of Dr. Mandeep, he medico legally examined Shakultala wife of Ajay on 08.06.2018, at 11:50 PM and found following injuries on her person:-

1. Red colour abrasion of size 1 x 0.5 cm present over left wrist and C/O pain hand. Advised X-ray left hand and wrist AP and oblique.
2. Red colour bruise of size 4 x 1 cm present on back of right side of chest.

14. Learned trial Court has rightly held that when the injuries on the person of the accused party have not been explained by the prosecution then accused are entitled to the benefit of doubt. It is also not the case of the complainant that they had caused any injuries to the accused party in their self defence. It has also been rightly held by the learned trial Court that from the evidence on record, it could not be determined that who was the aggressor party, as both the sides had sustained injuries.

15. PW-6 Pawan Kumar DSP, the Investigating Officer in this case,

stated in his cross examination that accused Shakuntala had stated in her disclosure statement that on 08.06.2018 complainant Satpal had entered into her house and scuffled with her. Meanwhile her husband also reached there and complainant Satpal scuffled with him also. PW6 categorically stated that he had verified these facts and found the same to be true and hence a cross FIR had been registered on the statement of Ajay in this case.

16. Learned trial Court has rightly held that when it is difficult to find out as to which party was aggressor party, the safer course for the Court was to give benefit of doubt to both the parties. During his contentions, it had already been submitted by learned counsel for the appellant that the appellant had already been acquitted in the cross case registered against him vide judgment dated 11.11.2024 in Sessions case RBT No.150A [SC/159/2023] titled as 'State Vs. Satpal and another'.

17. So far as the offence under Section 3(2)(v)(a) of SC/ST Act, 1989 is concerned, there is no such evidence on record led by the prosecution that the alleged incident had taken place only due to the fact that the complainant belongs to Scheduled Caste community. In this context learned trial Court has rightly relied upon the judgment of Hon'ble Supreme Court in **Khuman Singh Versus State of Madhya Pradesh 2019 (4) RCR (Criminal) 174**, wherein it was held as under:

“13. In Dinesh alias Buddha v. State of Rajasthan (2006) 3 SCC 771, the Supreme Court held as under:- “15. Sine qua non for application of Section 3(2)(v) is that an offence must have been committed against a person on the ground that such person is a member of Scheduled Castes and Scheduled Tribes. In the instant case no evidence has been led to establish this requirement. It is not case of the prosecution that the rape was committed on the victim since she was a member of Scheduled

Caste. In the absence of evidence to that effect, Section 3(2)(v) of the Atrocities Act been applicable then by operation of law, the sentence would have been imprisonment for life and fine.

As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to "Khangar"-Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable."

18. Now adverting to the present case, the learned trial Court has rightly observed that there was no evidence on record to show that the alleged offence was committed by the accused since the complainant belonged to Scheduled Caste community. As such the aforesaid offence is also not proved against the accused persons.

19. After analyzing the evidence on record it can safely be concluded that prosecution has failed to prove its case against the accused beyond reasonable doubt. Evidence on record is indeed not sufficient to convict the accused of the offence as charged with and he has been rightly acquitted by learned trial Court.

20. It is well settled that judgment of acquittal should not be interfered with lightly. In the case of *Sadhu Saran Singh Vs. State of U.P. and others, 2016 (2) RCR (Criminal) 319*, the Hon'ble Supreme Court reiterated that generally an appeal against acquittal has always been

altogether on a different pedestal from that of an appeal against the conviction. It was held that in an appeal against acquittal, where the presumption of innocence in favour of the accused is reinforced, the Appellate Court would interfere with the order of acquittal only when there was perversity of fact and law.

21. Learned counsel for the appellant was unable to point out any illegality, infirmity or perversity in the impugned decision dated 11.11.2024 which calls for interference.

22. In view of the above, the appeal being bereft of any merit is dismissed with impugned judgment dated 11.11.2024 passed by learned trial Court being upheld.

23. Pending applications, if any, also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

13.01.2026.

Komal

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