

**THE COURT OF R.K.MEHTA, ADDITIONAL SESSIONS  
JUDGE, PANIPAT (HARYANA) (UID NO. HR0136).**

Sessions Case No. SC 449-2022  
CNR No. HRPP01-013787-2022  
Date of Institution : 18.10.2022  
Date of Decision :**17.04.2026**

State

Versus

1. Rajbir @ Raju son of Babu Ram resident of village Patti Kalyana, Samalkha.
2. Bablu son of Ramchander, resident of village Patti Kalyana, Samalkha.
3. Mukesh @ Titu son of Janak Singh, resident of Silthiya Chowk Bahaya Mohalla, Udampur, Jammu and Kashmir
4. Sandeep @ Monu son of Jagbir, resident of village Patti Kalyana, Samalkha Panipat.
5. Parveen Kumar @ Bina son of Madan Kumar, resident of village Patti Kalyana, Samalkha Panipat.
6. Govinda son of Jaibhagwan Nungar, resident of Barot, P.S.Barhi, District Sonapat.

*...Accused.*

FIR No.432 dated 27.5.2022  
Under Sections: 148,149,307,323, 325,506 IPC  
Police Station: Samalkha District Panipat.

Present: Sh. Baljit Singh, Public Prosecutor for State assisted by Sh.R.S.Rawal, Advocate for complainant Madan Kumar.  
Accused Rajbir @ Raju, Bablu, Mukesh @ Titu, Parveen Kumar @ Bina on bail assisted by Sh. Sumit Aggarwal, Advocate.  
Accused Sandeep @ Monu on bail assisted by Sh.Gaurav Jagga, Sh.Navdeep Kataria and Ms Preeti Sharma, Advocates  
Accused Govinda on bail assisted by Sh. Subhash Chand Saini, Advocate.

**JUDGMENT**

1. Six accused i.e. Rajbir @ Raju, Bablu, Mukesh @ Titu,

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Sandeep @ Monu, Parveen Kumar @ Bina and Govinda are being prosecuted by the State for commission of offences punishable under sections 307, 323, 325, 506 read with section 149 of IPC on these accusations that on 26.5.2022 at about 8.15 A.M. all the accused being members of an unlawful assembly caused simple and grievous injuries which included injuries dangerous to life of victims Madan (PW1), Ravinder Kumar (PW2) with deadly weapons and accused also threatened to kill the victims.

2. From a perusal of police challan and documents annexed therewith **it is the case of the prosecution** that on 26.5.2022 a telephonic information was received at Police Station Samalkha that victims Ravinder (PW2) and Madan (PW1) residents of village Pati Kalyana, were brought at HS Memorial Hospital, Panipat due to injuries received in an assault. On receiving said information a police team consisting SI Pardeep no. 770 (PW19) and ASI Pushpinder Kumar no. 5582 (PW17) firstly reached at General Hospital, Panipat. An application Ex.PW19/1 was moved before Medical Officer on Duty at Panipat to know regarding admission of victims Ravinder and Madan. Doctor on duty had given in writing on the application Ex.PW19/1 that victims were not admitted in General Hospital Panipat.

3. Police team then reached at HS Memorial Hospital, Panipat. It was found that victim Ravinder son of Krishan and victim Madan son of

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Zile Singh were admitted in the said hospital. SI Pardeep (PW19) moved an application dated 26.5.2022 Ex.PW19/2 before Medical Officer, HS Memorial Hospital, Panipat for expressing medical opinion regarding fitness of the victims to make statements. Doctor expressed an opinion that victim Madan was fit to give his statement whereas victim Ravinder was unfit to give statement.

4. Victim Madan son of Zile Singh, resident of village Patikalyana, District Panipat (PW1) had given a **complaint Ex.PW1/1** in which these **facts** were disclosed that on **26.5.2022 at about 8:15 A.M. in the morning** victim Madan and 10/12 persons of the village were getting the work of laying earth of Gurjar Bhawan. In the adjoining land of Shamlat Panha of Hinduan also work of laying earth was being done by the people of the Society. In the **meanwhile** 7/8 accused came and they started giving abuses and assaulted the victim Madan (PW1) and victim Ravinder (PW2) with iron rods, wooden danda and sharp edged weapons. Victim Ravinder received grievous injuries and became unconscious and fell down.

5. In the meanwhile accused **Raju** son of Bali, **Monu** son of Jagbir, **Bablu** and **brother in law of Raju** along-with 3-4 unknown accused had given blows with iron rods and dandas to the victim Madan Kumar. When victim Madan protested he was forcibly restrained by accused. Thereafter, accused Raju **attempted to fire a shot** from his

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pistol which did not work. People came to the rescue of victims. Accused Raju fled the spot brandishing his pistol giving threats to the victims to kill them. On these allegations complainant/victim Madan in his complaint Ex.PW1/1 **prayed** to the police to take action against accused. MLRs were also produced.

6. As per MLR no. BS/65/SMK/2022 dated 26.5.2022 Ex.PW12/1 of victim Madan, issued by Dr. Balram, Medical Officer CHC Samalkha (PW12) following injuries were reported:-

- (i) 2 Red lines each of 7 CM parallel to each other left hip. ADV. XRAY and Ortho opinion.
- (ii) Abrasion of size 5X3 Cm present on left hip. ADV XRAY and ortho opinion.
- (iii) C/o Pain right hip. ADV XRAY and ortho opinion.
- (iv) C/o Pain in lower back. ADV XRAY and ortho opinion.

7. As per MLR no. 169/AB/SMK/2022 dated 26.5.2022 of victim Ravinder Ex.PW14/1 issued by Dr. Anubhav Bhardwaj, Medical Officer CHC Samalkha (PW14) following injuries were reported:-

- (i) A reddish lacerated wound of size 10X1 Cm with fresh bleed present on scalp right frontal region adv CT Xrays surgery opinion.
- (ii) A reddish abrasion of size 15X2 Cm present on left shoulder adv. X-rays ortho opinion.
- (iii) A large reddish abrasion present on back region with

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underlying swelling adv x-rays ortho opinion.

8. ASI Pardeep (PW19), now SI on the basis of complaint Ex.PW1/1 of victim Madan, his MLR Ex.PW12/1 and MLR Ex.PW14/1 of victim Ravinder put his endorsement Ex.PW19/3 on the complaint Ex.PW1/1 for registration of FIR under sections 148, 149, 323, 506, 308 IPC. Tehrir was sent through HC Pushpinder (PW17) to the Police Station for registration of FIR.

9. On the basis of above Tehrir, SI Naresh Kumar no. 426/RR (PW5) registered **FIR** Ex.PW5/2 and made his endorsement Ex.PW5/3 on the tehrir giving particulars of the FIR.

10. Investigation was entrusted to SI Pardeep no. 770 (PW19) who had during the course of **investigation** visited the place of occurrence in the intervening night of 26/27.5.2022 along-with victim Madan (PW1). Rough site plan Ex.PW19/4 was prepared at the demarcation of victim Madan. Statement under section 161 Cr.P.C. of the witness was recorded.

11. SI Pardeep/ Investigating Officer (PW19) on 28.5.2022 visited H.S Memorial Hospital, Panipat and moved an application Ex.PW19/5 before Dr. Amit Mahla, HS Memorial Hospital, Panipat (PW18) for giving **opinion** regarding injuries of **victim Madan** reported in MLR dated 26.5.2022 Ex.PW12/1. Dr. Amit Mahla had given his **opinion** Ex.PW18/2 to the fact that injury of victim Madan was **grievous in**

**nature.**

12. SI Pardeep/ Investigating Officer (PW19) on 28.5.2022 visited H.S. Memorial Hospital, Panipat and moved an application Ex.PW19/6 before Dr. Arun Mahla, HS Memorial Hospital, Panipat (PW21) for giving **opinion** regarding injuries of **victim Ravinder** reported in MLR dated 26.5.2022 Ex.PW14/1 issued by CHC Samalkha. Dr. Arun Mahla (PW21) had given **opinion Ex.PW21/3** to the effect that after going through the treatment record after CT Scan Ex.PW13/1 injury received by victim Ravinder **was grievous and dangerous to life.**

13. On the basis of above medical opinion regarding injuries of victims Madan and Ravinder, Investigating Officer added sections 325, 307 IPC and deleted section 308 IPC earlier added. Accused fled there homes and could not be arrested.

14. Investigation was then entrusted to SI Ramphal no. 186, CIA-I, Karnal (PW8) on 4.6.2022. SI Ramphal after going through the evidence on record added section 25 of Arms Act.

15. Statement under section 161 Cr.P.C. Ex.D1 of victim Ravinder was recorded on 8.6.2022 in which he **narrated** that he was employed as a Clerk in Adarsh College, Chulkana Road. On 26.5.2022 at about 8.30 A.M. he had left his home to go to duty. On the way under the flyover near Mahawati Road opposite to G.T. Road, Joginder son of Bali Ram, resident of Patikalayana was present in his vehicle bearing

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registration no. HR-60J-5600 who signaled him (Ravinder) to stop. Joginder as per planning lied that Ravinder was being called by Madan Kumar and members of the Committee at a plot of Gurjar Bhawan where work of earth laying was in progress.

16. In the statement Ex.D1 of victim Ravinder it was **further stated** by him that he reached at Gurjar Bhawan and **saw** that victim Madan and some members of the Committee were present near plot of Panha Hinduan Shamlat to inspect the work of laying earth of plot. Ravinder stated that he told victim Madan that Ravinder was asked by Joginder that he was being called by Madan. Then victim Ravinder came to know that victim Madan was **also** asked to go to the plot by Joginder who had thereafter gone somewhere else by switching off our mobile phone.

17. Victim Ravinder in his statement under section 161 Cr.P.C. further **stated** that when he was going to take his motorcycle lying in the plot of Gurjar Bhawan, he was suddenly **assaulted** with iron rods by accused **Raju @ Rajbir** son of Bali Ram, resident of Patikalayana. Accused Raju @ Rajbir was having a pistol kept in the pocket of his jean and was giving abuses. He was accompanied with other accused **Monu @ Sandeep** son of Jagbir who was having iron rod. Another accused **Bablu** son of Ram Chander was also having iron rods. **Brother in law** of accused Raju ( later on known as accused Mukesh) was also

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armed with an iron rod. 7-8 other accused armed with dandas and iron rods reached there.

18. In the statement under section 161 Cr.P.C. it was **further revealed** by victim Ravinder that accused Raju by giving threats to kill Ravinder, forcibly took out Rs. 2700/3,000/- from the pocket of Ravinder and had given such money to one of his accomplices. At that time accused Bablu uttered in loud voice to accused Raju **saying that** Bile Bhai Shab had instructed that not to come back without firing at victims Madan and Ravinder. On this accused Raju assaulted victim Ravinder with an intention to kill him. Victim Ravinder fell down.

19. In the statement under section 161 Cr.P.C. of victim Ravinder it was further stated that accused **Bablu**, brother in law of Raju had then assaulted Ravinder with iron rods. Accused Raju had firstly attempted to fire a shot at Ravinder and then at Madan. But pistol did not work. Victim Madan tried to caught accused Raju but accused Monu and Raju assaulted to victim Madan with iron rods. Victim Ravinder also stated that he became unconscious and when he regained conscious he found himself in hospital.

20. Victim Ravinder in his statement under section 161 Cr.P.C. Ex.D1 **alleged** that accused Raju, Joginder and Billa son of Bali Ram in a well planned conspiracy made an attempt to kill Ravinder and Madan because plan of the accused to grab plot opposite to Pahnna Hinduan

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Nestle Road failed due to laying of work of earth. Victim Ravinder in his statement prayed for taking action against accused.

21. On the basis of above statement under section 161 of Cr.P.C. of victim Ravinder, SI Ramphal **added** section 379-B IPC.

22. SI Ramphal (PW8) on 9.6.2022 received a secret information that a Creta car bearing registration no. HR-60J-5600 had come from Delhi side which was signaled to stop. But its driver Joginder son of Bali Ram fled the spot leaving car behind. Car was taken in police possession vide fard Ex.PW8/1. Creta car was deposited in the police malkhana.

23. Thereafter, investigation was entrusted to SI Ramesh Chand, CIA-I, Karnal (PW10) who was assisted by ASI Rakesh CIA-I, Karnal (PW9).

24. Accused Rajbir @ Raju, Bablu and Mukesh @ Tina were arrested on 17.6.2022 by a team consisting SI Ramesh Chand (PW10), EASI Satish Kumar no. 294 and HC Surender Kumar of CIA-I, Karnal. Arrest memo Ex.PW10/1 was prepared.

25. Accused Rajbir @ Raju, Bablu and Mukesh @ Tina suffered disclosure statement dated 19.6.2022 Ex.PW10/2, Ex.PW10/3 and Ex.PW10/4 making confession of their involvement and other co-accused in committing the crime against the victims.

26. Accused **Rajbir @ Raju** in pursuance of his disclosure

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statement Ex.PW10/2 got recovered **iron rod Ex.MO/3** which was taken in police possession vide recovery memo dated 19.6.2022 Ex.PW10/6. Rough sketch Ex.PW10/5 of iron rod was prepared. Site plan Ex.PW10/7 of recovery was prepared.

27. Accused **Bablu** in pursuance of his disclosure statement Ex.PW10/3 got recovered **iron pipe Ex.MO/5** from a place near Yamuna Canal at the village Rakshera, P.S. Samalkha which was taken into police possession vide recovery memo dated 19.6.2022 Ex.PW10/10. Rough sketch Ex.PW10/8 of iron pipe was prepared. Site plan Ex.PW10/12 of recovery was prepared.

28. Accused **Mukesh @ Titu** in pursuance of his disclosure statement Ex.PW10/4 got recovered **iron pipe Ex.MO/4** from a place near Kesar Dhaba, near G.T. Raod, Samalkha which was taken into police possession vide recovery memo dated 19.6.2022 Ex.PW10/11 of recovery. Rough sketch Ex.PW10/9 of iron rod was prepared. Site plan Ex.PW10/3 of recovery was prepared.

29. All the three accused Rajbir @ Raju, Bablu and Mukesh @ Titu in pursuance of disclosure statement got demarcated the place of crime and in this regard demarcation report dated 19.6.2022 Ex.PW10/14 was prepared.

30. Investigating Agency on 23.6.2022 arrested accused Sandeep @ Monu and Parveen Kumar @ Bina and their arrest memos Ex.PW9/1

and Ex.PW9/2 were prepared.

31. Accused Sandeep @ Monu and Parveen suffered disclosure statements dated 23.6.2022 Ex.PW9/3 and Ex.PW9/4 respectively.

32. Accused Sandeep @ Monu in pursuance of his disclosure statement Ex.PW9/3 got recovered **iron rod Ex.MO/1** from a place Nafe Singh Delhi Wale Farm House which was taken in police possession vide recovery memo dated 23.6.2022 Ex.PW10/6. Rough sketch Ex.PW9/5 of iron rod was prepared. Site plan Ex.PW9/5 of recovery was prepared.

33. Accused Parveen in pursuance of his disclosure statement Ex.PW9/4 got recovered **danda Ex.MO/2** from a place Nafe Singh Delhi Wale Farm House which was taken in police possession vide recovery memo dated 23.6.2022 Ex.PW9/8. Rough sketch Ex.PW7/7 of iron rod was prepared. Site plan Ex.PW9/7 of recovery was prepared.

34. Accused Sandeep @ Monu and Parveen @ Bina in pursuance of their disclosure statements got demarcated the place of crime and in this regard demarcation memo dated 23.6.2022 Ex.PW9/9 was prepared.

35. Accused Govinda was arrested on 1.8.2022 SI Ramesh (PW10) who prepared arrest memo Ex.PW10/17. Accused Govinda suffered disclosure statement dated 1.8.2022 Ex.PW10/18 and got conducted demarcation of the place of crime and in this regard demarcation report Ex.PW10/19 was prepared.

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36. After conclusion of investigation police filed challan under sections 148, 149, 307, 323, 506, 325 IPC against above six accused before the Ld. Area Magistrate who vide an order dated 4.10.2022 **committed** to the case to the sessions.

37. Ld. Predecessor of this court vide order dated 15.11.2022 framed **charges** for commission of offence under sections 307, 323, 325, 506 read with section 149 IPC against all the six accused who pleaded not guilty and claimed trial, so prosecution was directed to produce its evidence to prove charge.

38. Prosecution examined following witnesses :

PW1	Madan Kumar Chhoker son of Zile Singh resident of village Patti Kalyana- <b>Complainant/Victim</b>
PW2	Ravinder son of Shree Krishan resident of village Patti Kalyana Panipat- <b>Victim</b>
PW3	Vinod son of Baljeet Singh resident of village Patti Kalyana Panipat./ <b>Eye Witness</b> / who with other shifted victims Madan and Ravinder to hospital
PW4	Inspector Sunil Kumar who submitted challan under section 173 CrPC
PW5	SI Naresh Kumar, who registered <b>FIR Ex.PW5/2</b>
PW6	ASI Dilbag Singh Draftsman who prepared <b>scaled site plan Ex.PW6/1</b>
PW7	SI Mukesh Kumar, <b>Malkhana Moherer</b> , with whom case property was deposited
PW-8	Inspector Ramphal, <b>Second Investigating Officer</b>
PW-9	ASI Rakesh, who assisted Investigating

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	Officer Inspector Ramesh Kumar
PW10	<b>Inspector Ramesh Kumar, Third Investigating Officer</b>
PW11	ASI Rana Partap, <b>Fourth Investigating Officer</b>
PW12	Dr. Balram SMO CHC Narayana, Tehsil Samalkha District Panipat, who medicolegally examined victim <b>Madan</b> and prepared <b>MLR</b> Ex.PW12/1
PW13	Dr. Manisha Dewan Diagnostic Center Model Town Panipat, who conducted NCCT Head of victim <b>Ravinder</b>
PW14	Dr. Anubhav Bhardwaj, who medicolegally examined victim Ravinder and prepared MLR Ex.PW14/1, given opinion Ex.PW14/4 and Ex.PW11/4
PW15	HC Sandeep Kumar no.682 who assisted Investigating Officer SI Ramesh
PW16	Dr. Amit Chaudhary, MS Orthopedic Surgeon Jyoti Clinin and Nursing Home Shahdara who proved discharge summary of victim Ravinder Ex.PW16/1
PW17	ASI Pushpender Kumar who assisted ASI Pardeep (PW19) in investigation
PW18	Dr.Amit Mahla, HS Memorial Hospital Panipat who had given treatment to complainant Madan and victim Ravinder, given <b>opinion</b> Ex.PW18/2
PW19	Sub Inspector Pardeep <b>First Investigating Officer</b>
PW20	ASI Surender Kumar who assisted Investigating Officer Ramesh Kumar (PW10)
PW21	Dr. Arun Mahla HS Memorial Hospital Panipat, who medicolegally examined complainant Madan and victim Ravinder , proved rukka Ex.PW21/1 regarding admission of Madan and Ravinder in hospital with history of assault

39. Ld. Public Prosecutor for State had given up PWs Vinod, Joginder, Abhishek, Surender Singh, EASI Satish Kumar, Constable Tilak Raj and Constable Amit being unnecessary closed the prosecution evidence vide separate statement.

40. Thereafter, accused Rajbir @ Raju, Bablu, Mukesh @ Titu, Sandeep @ Monu, Parveen Kumar @ Bina and Govinda were examined separately as per requirement of section **313 of the Code of Criminal Procedure**. All the incriminating evidence and circumstances that appeared in the evidence of prosecution were put to the all the six accused who termed prosecution evidence as wrong.

41. Accused Rajbir @ Raju, Sandeep, Mukesh, Govind **replied** that they were innocent and not present there at the time of alleged occurrence. They were falsely implicated in the present case.

42. Accused Bablu and Parveen **replied** that they were innocent and falsely implicated in the present case. On the day of occurrence they were employed in Hotel Chapking where construction was going on near the hotel and for that pieces of broken bricks for the construction work were lying in the shamlat vacant plot adjacent to the hotel. The complainant party with ulterior motive came to the vacant plot. Bablu and Parveen requested complainant party to allow them to lift Roda lying there. But complainant party started quarreling with accused and had given beatings injuries to accused Bablu and Parveen. Further

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passersbys and near persons intervned and rescued Bablu and Parveen who had not caused injuries to complainant party.

43. All the six accused opted to produce evidence in defence.They relied upon following defence evidence.

Ex.D1	OPD Slip dated 26.5.2022 time 12.05 PM of accused Parveen issued by CHC Samalkha
Ex.D2	Copy of MLR no.BS/69/SMK/2022 dated 26.5.2022 of accused Parveen in which two injuries i.e. injury no.1 pain in left ear and injury no.2 pain in lower back advised x-ray and Ortho Opinion, issued by CHC Samalkha
Ex.D3	OPD Slip dated 26.5.2022 time 12.50 PM of accused Bablu issued by CHC Samalkha
Ex.D4	Copy of MLR of BS/68/SMK/2022 dted 26.5.2022 of accused Bablu in which two injuries i.e. severl red line vertical downward present on upper back 2 vrtical line of sme color on lateral apect of left bycipes and injury no.2 abrasion line of 5 cm on left temporal region advised surgeon opinion, issued by CHC Samlkha
Ex.D1	Statement under section 161 CrPC of victim Ravinder Kumar (PW2) recorded on 8.6.2022 by Investigating Officer

44. All the six accused closed their defence evidence by making a separate joint statement.

45. Ld. Public Prosecutor for the State assisted by Ld. Counsel for complainant **argued** that from the evidence of 21 witnesses examined by the prosecution charges against all the accused were substantiated. Further there was a motive at the hands of accused to commit crime since accused party was having a hotel and they wanted to grab side of adjoining Shamlat land fully described in site plan

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Ex.PW6/1. Further from the line of defence taken by accused they admitted the occurrence.

46. Prosecution **further** argued that from the medical evidence of the doctors examined by the prosecution nature of injuries of the victims was established which proved that injury of victim Ravinder was dangerous to life. Prosecution prayed for convicting the accused.

47. On the other hand Ld. Defence counsels for the accused **argued** that in the complaint Ex.PW1/1 it was alleged that 7-8 persons assaulted the victims, but names of accused were not mentioned and such names were subsequently names of some of the accused mentioned which reflected falseness. Further name of accused Raju son of Bali was mentioned whereas name of father of accused Raju was Babu Ram. Defence pointed out that there was no resemblance between Bali and Babu Ram so such fact also reflected falseness. Further there was a mention of accused Raju ka sala but specific name was not mentioned.

48. Defence further **argued** that during investigation allegations of use of pistol by accused Raju were found false and section 25 Arms Act was deleted and similar allegations snatching were also found false and section 379-B IPC was deleted. Defence also submitted that identity of accused was not established and moreover Test Identification Parade was not got conducted. There was delay of 16 hours in registration of FIR and such delay was fatal for the prosecution

case.

49. Ld. Defence counsels **also argued** that none of the witnesses of the prosecution stated that one gate of Dhaba of accused opened in the adjoining shamlat land so motive for crime put forth by the prosecution was not proved. Defence asserted that in fact there was a political motive to implicate the accused in the present criminal case.

50. Defence **further** submitted that in fact accused Parveen and Bablu were working but victims assaulted them causing injuries which was evident from MLR Ex.D2 of accused Parveen and MLR Ex.D4 of accused Bablu. It was also submitted that victim Ravinder (PW2) in his cross-examination admitted the fact that except statement Ex.D1 no other statement was given by him to the police. Defence pointed out that there were apparent contradictions in the testimony of Ravinder vis-a-vis his statement Ex.D1.

51. Defence on the investigation **submitted** that SI Pardeep (PW19) in his cross-examination stated that victim Madan (PW1) accompanied him at the place of occurrence whereas victim Madan allegedly received injuries and was in the hospital so it pointed out that police was helping the complainant party. Defence asserted that Investigating Officer had deliberately not taken MLRs of the accused in investigation. It was claimed that victim Ravinder was inflicted injuries by unknown person but victim falsely implicated the accused.

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52. Ld. Defence counsels on the **medical evidence** relied upon by the prosecution **argued** that Dr. Balram MO CHC Samalkha (PW12) in his cross-examination stated that victim Madan arrived on 26.5.2022 at 10:00 A.M. which was contradictory time mentioned on the MLR.

53. Further Dr. Amit Mahla of HS Memorial Hospital, Panipat (PW18) in his cross-examination admitted the fact that his opinion of fracture of victim Madan was not final and it was suspected that there were fractures L4 and L5.

54. Defence **further** submitted that Dr. Anubhav Bhardwaj MO CHC Samalkha (PW14) in his cross-examination admitted the fact that he was MBBS only and head injury was a specialized of neurosurgeon and fracture of head was also a specialized field of neurosurgeon. Dr. Bhardwaj also admitted the fact that he had given opinion Ex.PW14/4 on the application Ex.PW14/3 which was based on the opinion of treating doctor since PW14 was not having any expertise to give his personal opinion. Defence in this way submitted that section 307 IPC was not proved since there was definite opinion by qualified neurosurgeon pertaining to allege head injury of victim Ravinder.

55. Ld. Defence counsel **also** submitted that Dr. Amit Chaudhary (PW14) admitted the fact that he was having a clinic at Delhi in which there was no neurologist or neurosurgeon. Defence submitted that no improvement could be made from the evidence of PW16 to

prove that injury of victim Ravinder was dangerous to life.

56. Ld. Defence counsels referred a **ruling** of Hon'ble Supreme Court of India in a case titled **Arvind Kumar @ Nemichand & others Vs. State of Rajasthan** 2022 (2) RCR (Criminal) in which convicts were given benefit of doubt and acquitted with the observations that Exhibits of injury report of accused persons were marked by defence and not by prosecution. Investigation was defective and colourable. Hon'ble Apex Court believed the plea of private defence as possible and plausible with due discharge of onus.

57. Ld. Defence counsels also referred a **ruling** of Hon'ble Punjab and Haryana High Court in a case titled **Prince Kumar Vs. State of Punjab** 2019 (3) RCR (Criminal) in the facts of which doctor failed to give specific opinion that injury sustained by injured was sufficient to cause death in the ordinary course of nature and injured was discharged from hospital in a satisfactory condition. Hon'ble High Court held that conviction under section 307 IPC was not correct and case fell under section 326 IPC.

58. Ld. Defence counsels also referred a **ruling** of Hon'ble Punjab and Haryana High Court in a case titled **Mohinder Singh and others Vs. State of Punjab** 2012 (4) RCR (Criminal) in the facts of which case in which there was medical opinion injury described by the doctor was as dangerous to life and if not treated timely and medical aid

the injured was likely to die. It was held that such type of injury/opinion was not the type of injury as would attract the provisions of section 307 IPC and such injury fell under clause eight of section 320 IPC and attracted punishable under section 326 IPC.

59. Ld. Defence counsels also referred a **ruling** of Hon'ble Punjab and Haryana High Court in a case titled **Sanjay and another Vs. State of Haryana** AIR ONLINE 2019 P&H 972 in the facts of that as per MLR of injured it was found that he suffered one lacerated wound of 4.5 x 1 cm present over the volt of the skull vertically placed. Fresh bleeding was present. Advised X-Ray and surgeon's opinion. Doctor further stated that as per her opinion Ex.PK/1, injury on the person of injured was dangerous to life. Trial Court convicted accused under section 307 IPC. Hon'ble High Court observed that doctor while forming the opinion on injury no.1 as dangerous to life had not recorded satisfaction based on medical report that injury sustained by victim was sufficient to cause death in the ordinary course of nature so findings of Ld. Trial Court that offence falls under section 307 IPC were not correct and it was a case falls under section 326 IPC.

60. Ld. Defence counsels also referred a **ruling** of Hon'ble Punjab and Haryana High Court in a case titled **Satnam Singh others Vs. State of Punjab** 2011 (2) RCR (Criminal) in the facts of case conviction under section 307 IPC was set aside and converted to under

section 325 IPC with the observations that neither from the nature of injury it appeared that accused had any knowledge to cause such injury which was sufficient to cause death nor circumstances established that convict had requisite intention that convict committed such offence.

61. Ld. Defence counsels **finally** referred a **ruling** of Hon'ble Punjab and Haryana High Court in a case titled **Gurpreet Singh and others Vs. State of Punjab** 2023 PHHC 081721 in which accused was acquitted under section 307 IPC with the observations that prosecution failed to prove on record that injury inflicted on the victim was sufficient in the ordinary course of nature to cause death and it was held that if an injury inflicted on the victim is not sufficient in the ordinary course of nature to cause death provisions of section 307 IPC are not attracted.

62. In this way defence counsels **summed up** their arguments by submitting that identity of accused was not proved, no Test Identification Parade was conducted, medical opinion was doubtful, there was unexplained delay in FIR and investigation was unfair since it suppressed injuries of the accused. Defence **prayed** for acquittal of accused.

63. After going through the record and hearing valuable arguments of learned Public Prosecutor for the State, learned defence counsel and with due deference of ratio of rulings supra **it is expressed that** from a perusal of complaint dated 26.5.2022 time 11:50 P.M.

*(R.K.Mehta)*  
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Ex.PW1/1 of complainant/victim Madan Kumar made before police and his testimony made on oath before the court as PW1 it comes out that victim Madan had in his complaint expressed names of accused as Raju, Sandeep @ Monu, Bablu, Raju ka sala and three-four unknown accused. PW1 in his testimony expressed names of accused as Raju, Sandeep @ Monu, Bablu, Mukesh (brother in law of Raju) and other 3-4 unknown accused.

64. Another victim Ravinder in his statement under section 161 Cr.P.C. dated 8.6.2022 Ex.D1 made before Investigating Officer and his testimony made on oath before the court as PW2 revealed that victim Ravinder in his statement Ex.D1 expressed names of accused as Raju @ Rajbir, Sandeep @ Monu, Bablu, Raju ka sala and 7-8 unknown accused. Victim Ravinder in his testimony as PW2 before the Court expressed names of accused as Rajbir @ Raju, Sandeep @ Monu, Parveen @ Bina, Mukesh @ Titu, Bablu, Govind and 2-3 other persons.

65. Similarly in the statement dated 27.5.2022 under section 161 Cr.P.C. of eye witness Vinod made before the police names of accused were mentioned as Raju, Monu, Bablu, Raju ka sala and 3-4 unknown accused. In the testimony of Vinod made before the court as PW3, names of accused were expressed as Rajbir @ Raju, Sandeep @ Monu, Bablu, Govind, Parveen @ Pina and 3-4 unknown accused.

66. In their investigation carried by four Investigating Officers

i.e. SI Pardeep (PW19), Inspector Ramphal (PW8), Inspector Ramesh Kumar (PW10) and ASI Ram Partap (PW11) respectively admittedly **Test Identification Parade was not got conducted** as per law. It means that names of accused Mukesh @ Titu, Parveen @ Bina and Govind which were not specifically mentioned in the complaint Ex.PW1/1 of victim Madan and statement Ex.D1 of victim Ravinder Kumar, for the **first time made before the court**. Victim Madan while testifying as PW1 had even not mentioned names of accused Parveen Kumar and Govinda. No other witness was associated in the investigation who had himself seen accused committing offences against victims.

67. As such **identity** of three accused i.e. **Mukesh @ Titu, Parveen Kumar @ Bina and Govind**, facing trial has **not been proved** beyond reasonable doubt.

68. **Now** as regards accusations against other three accused **Rajbir @ Raju, Sandeep @ Monu and Bablu**, facing trial this fact is seen that their names specifically figured in the complaint ExPW1/1 of victim Madan, statement under section 161 Cr.P.C. Ex.D1 of victim Ravinder and in the statement under section 161 Cr.P.C. of eye-witness Vinod, names of these three accused also appeared in the testimony of victim Madan (PW1), victim Ravinder (PW2) and eye witness Vinod (PW3) made before the police.

69. Now let us see whether accusations against accused Raju @

Rajbir, Bablu and Sandeep @ Monu are proved beyond reasonable doubt?

70. Victim Madan Kumar (PW1) in his examination in **chief** reiterated their allegations that on 26.5.2022 at about 8:15 A.M. in the morning they with other persons of the village were getting the work of levelling earth of plot of Gurjar Bhawan in Village Patikalyana. At that time work of levelling earth of another plot of Shamlat Panha Hinduan was also carried. In the meanwhile accused Raju son of Bali, Monu @ Sandeep, Bablu, Mukesh along-with three other persons came at the spot and started abusing. Accused **Raju** had given **iron rod blow** on the head of victim Ravinder (PW2). Accused Raju had then taken out a pistol and made an attempt to fire but pistol did not work. Accused Monu @ Sandeep, Bablu, Mukesh and 2-3 others had giving beatings to him (Madan) with iron rod. Other persons present at the spot saved the victims. Accused fled the spot. Victims Madan, Ravinder were taken to CHC Samalkha where they were medico legally examined and they shifted to HS Memorial Hospital, Panipat. Victim Madan further stated that he made complaint Ex.PW1/1 to the police.

71. Victim Madan (PW1) in his **cross**-examination stated that his father Zile Singh remained Sarpanch of the village for 5-6 terms. Sh.Sanjay Chhokar was his younger brother who had contested elections of MLA from Congress Party. He (PW2) also contested elections of

Sarpanch in November 2022. Panchayat had not passed any resolution regarding Gurjar Bhawan. PW1 voluntarily stated that Gurjar Bhawan did not belong to Panchayat so there was no question of any resolution.

72. Victim Madan (PW1) **further** stated that no site plan was approved of the building of Gurjar Bhagwan at the time of occurrence. Ravinder (PW2) was a Clerk in Gandhi Adarsh College and it was the way for Ravinder to go to said college. Volunteered that he was called by his brother Joginder son of Pali Ram. Ravinder was present at Gurjar Bhawan at 8.30 A.M. Ravinder had come on motorcycle. PW1 further stated that he did not know whether **Hotel Chaap King** was given on lease with Rajinder and Sunny. PW1 stated that he know accused Rajbir and his family for several years. He did not know whether father name of accused Rajbir was Babu Ram. PW1 volunteered that father of accused Rajbir was **known as Bali**. PW1 disagreed with a suggestion that father of Rajbir was known as Bali.

73. PW1 (Madan) in his **cross-examination further stated** that he **did not know** whether Hotel Chaap King was owned by accused Rajbir and he had given on the same on lease. PW1 also stated that he had never visited Hotel Chaap King. PW1 stated a fact that complaint Ex.PW1/1 was written on his dictation by his employee Netarpal.

74. PW1 (Madan) in his **cross-examination further stated** that Raju and Rajbir were the same person. He had in his complaint not

specifically named accused who caused injuries to victim Ravinder. PW1 volunteered that accused present in the court caused injuries to him and Ravinder. PW1 stated a fact that he had in his complaint Ex.PW1/1 not mentioned that Raju had given a rod blow on the head of Ravinder but when confronted with complaint Ex.PW1/1 such fact was recorded. PW1 further stated a fact that he had in his complaint **did not mention** that accused Raju along-with other accused had **come at the spot** in order to take illegal possession of Shamlat plot. PW1 also stated a fact that no broken pieces of bricks were lying in the plot where occurrence had taken place.

75. Madan (PW1) in his **cross-examination** further stated that he had telephonic informed at Police Helpline 112 from the place of occurrence. Police arrived at the spot at 9.30 A.M. He narrated the incident to the police. But police did not accompany him and injured Ravinder to the hospital. Thereafter, police met him (PW1) in the night in private hospital at Assandh Road. He did not remember the time. Victim Ravinder was also admitted in the same hospital but was not in a position to make statement. PW1 also stated that police had not got identified three four unknown accused through Test Identification Parade.

76. Victim Madan (PW1) in his cross-examination **finally disagreed with suggestions/stand** of the accused that plot where

occurrence had taken place was not related to Gurjar Bhawan in any manner and victims with ulterior motive **tried to take forcible possession** of the said vacant Shamlat Plot and when accused Parveen and Bablu requested that their roda was lying there and requested the victims to allow the accused to lift the said roda, **victims manhandled accused** and caused injuries to accused Parveen and Bablu. PW1 **also disagreed** with suggestion of accused that when victims were causing injuries to accused Parveen and Bablu, passerbyes intervened and in said incident **victims** Madan (PW1) and Ravinder (PW2) received **injuries by falling while running away and** at the hands of persons gathered there. PW1 volunteered a fact that criminal cases pending against accused who were facing trial.

77. Victim Ravinder (PW2) in his examination in **chief** testified that on 26.5.2022 at about 8:30 A.M. he left his house to go to his job. When he reached at the plot situated half acres distance from a Gurjar Bhawan he noticed that President of Gurjar Bhawan namely Madan Kumar Chhokar (PW1) and other society members were present there in the vacant plot. In the meanwhile after two minutes accused Rajbir @ Raju son of Babu Ram @ Bali, Sandeep @ Monu, Parveen @ Bina, Mukesh @ Tita, Bablu, Govind and other two persons came there. PW2 **alleged** that accused Rajbir @ Raju had given **iron blow on his head** causing injury as a result of which PW2 fell down. Accused Sandeep @

Monu armed with a iron rod, Mukesh having iron saria and remaining accused having wooden danda beaten him. Accused Rajbir @ Raju had taken out revolver and tried to shot fire but it did not work. Victim Madan (PW1) came forward to save him. Then accused Rajbir pointed out pistol at Madan. All the accused had given injuries to Madan who fell down. PW2 (Ravinder) **also** stated that he **became unconscious** and **shifted to CHC Samalkha where he was examined and after some time shifted to HS Memorial Panipat**. It was also stated that PW2 also got treatment from Jyoti Nuring Home Delhi as he was referred by Doctor HS Memorial, Hospital Panipat where he remained admitted for treatment for 7-8 days.

78. Victim Ravinder (PW2) in his **cross**-examination stated that he was employed as Clerk in Gandhi Adarsh College Samalkha. Victim Madan, PW1 was President of Committee of the College. It was stated by PW2 that he had given statement to the police but had never given any written application to the police and never stated before the Police that he had moved any application which may be treated as his statement. PW2 was confronted with contents of statement under section 161 Cr.P.C. Ex.D1 in which said fact was recorded.

79. PW2 (Ravinder) in his cross-examination further stated that **Hotel Chaap King** was **adjacent** to the plot in question. He did not know if accused Rajbir was owner of Hotel Chaap King. He did not

know that said Hotel was given on lease. PW2 **further** stated that he had an **interest in** Gurjar Bhawan as well in the plot in question because he was a member of Gurjar Bhawan Committee. He had not given any document showing his membership in the committee. He did not know accused Govind previously by name but knew all other named accused previously. He knew accused Rajbir son of Babu Ram. PW2 explained that he had told name of father of accused Rajbir as **Bali** to the police because said was the **nick name** of father of accused Rajbir and he known by said name in the village. PW2 admitted the fact that names of accused Parveen and Mukesh were not mentioned in the statement Ex.D1.

80. Victim Ravinder (PW2) in his **cross-examination finally** stated that accused Rajbir had given two iron rod blows to him. All the accused had given collective injuries to him but he could not tell the number of injuries. Accused continued to give injuries to him until his condition deteriorated. He had fallen down after receiving the injuries. PW2 **admitted** the fact that no accused was carrying as sharp edged weapon. There was no construction material lying at the spot and only earth was lying there. None of the accused received any injury in the incident at the hands of victims or any other person. Accused were not trying to take possession of the plot at that time when PW2 reached at the plot. He gained consciousness in CHC Samalkha at about 10:30

A.M. Police never got conducted Test Identification Parade of the accused. PW2 **disagreed with a suggestion/stand** of the accused that while he and Madan were causing injuries to Parveen and Bablu at that time passerbyes intervened and in the said happening of events he (PW2) and Madan (PW1) received injuries by falling and while running away. PW2 also disagreed with a suggestion that accused Rajbir, Mukesh, Sandeep, Govinda were not present at the time of occurrence.

81. Eye witness Vinod (PW3) in his examination in **chief** stated that he on 26.5.2022 at about 8.30 A.M. witnessed the occurrence in which accused Rajbir @ Raju, Monu, Bablu, Govind, Parveen and 3-4 other persons had given beatings to victims Madan and Ravinder. Accused Rajbir had given iron blow causing head injury to accused Ravinder. PW3 in his **cross-examination** stated that construction of Gurjar Bhawan was still pending. Plot in question was situated at a distance of two acres of Gurjar Bhawan. He did not know the name of accused Parveen and Govind previously and he came to know about their names from the police. Assault continue 4-5 minutes. PW3 disagreed with a suggestion/ stand of accused that no incident had taken place in his presence and he was wrongly implanted as a witness due to his friendship with Madan and Ravinder.

82. MLR Ex.PW12/1 of victim Madan (PW1) was of date 26.5.2022 time of arrival was 10.00 A.M. Four injuries were reported

which have already been described above. Similarly in the MLR Ex.PW14/1 of victim Ravinder date was 26.5.2022, time of arrival was 9.35 A.M. Three injuries were reported as already described above.

83. Accused in their defence evidence relied upon statement under section 161 Cr.P.C. Ex.D1 of victim Ravinder Kumar (PW2), OPD ticket Ex.D1, MLR Ex.D2 of accused Parveen, OPD Ticket Ex.D3, MLR Ex.D4 of accused Bablu. A perusal thereof revealed that MLR of victim Parveen of was 26.5.2022 and time of arrival was 1.00 P.M. Two injuries were reported i.e. complain of pain in left ear, lower back. MLR of victim of Bablu dated 26.5.2022 time of arrival 12.50 P.M. Two injuries were reported i.e. several red line vertical downward present on upper back and abrasion line 5 CM on left temporal region.

84. On a **comparative analysis** of above referred testimonies of the victims, their MLRs relied upon by the prosecution and defence evidence put forth by accused, **these facts** come out that medico legal examination of victims Madan and Ravinder was made at CHC Samalkha within a span of less than two hours i.e. before 10:00 A.M. from the time of occurrence which was 08:30 A.M. whereas medico legal examination of accused Bablu was made subsequently at 12.50 P.M. and of accused Parveen at 1.00 P.M. Having regard to the nature of injuries of accused mentioned in the MLRs and injuries of victims reported in their MLRs it **appears** that MLRs of accused were

afterthought with an attempt to make out a defence or counter allegations against the victims.

85. As such **defence evidence** relied upon by accused is **not believable** to rebut the testimony of victims Madan and Ravinder, whereas an **evaluation** of testimonies of victim Madan (PW1), Victim Ravinder (PW2), described above revealed that their testimonies inspires truthfulness to the effect that both the victims on 26.5.2022 at about 8.30 A.M. in the morning were present at the spot described in the scaled site plan Ex.PW6/1, and at that time victims **without any provocation** on their part were **assaulted by accused** Rajbir @ Raju, Bablu and Sandeep @ Monu and other accused (identity of whom not established).

86. Though defence had taken the stand that in the complaint name of accused Raju was mentioned as Raju son of Bali whereas name of father of accused was Babu Ram. But from the testimonies of victim Madan (PW1) and Ravinder (PW2) said fact was reasonably explained that Sh. Babu Ram father of accused Rajbir @ Raju was also known by nick name Bali. Otherwise both the victims remained consistent regarding identity of accused Rajbir @ Raju. Testimony of victims also **inspires confidence** that as a result of assault victims Madan and Ravinder sustained injuries. Accused Rajbir @ Raju who was armed with an iron rod had given its blow on the head of victim Ravinder (PW2). Accused Rajbir @ Raju, Sandeep @ Monu also armed with iron

rod and Bablu armed with iron pipe had given injuries with said weapons to victim Madan (PW1). All said offences were committed in furtherance of common intention of these three accused Rajbir @ Raju, Sandeep @ Monu and Bablu with other accused (identity of whom not established).

87. Now as regards the proof of weapons of offences used in the crime, it is **expressed** that from an analysis of testimonies of four Investigating Officers i.e. SI Pardeep (PW19), Inspector Ramphal (PW8), Inspector Ramesh Kumar (PW10) and ASI Rana Partap (PW11) and ASI Rakesh (PW9), HC Sandeep (PW15), ASI Pushpinder (PW17), ASI Surender (PW20) recovery of iron rod **Ex.MO/3** from accused **Rajbir @ Raju** vide recovery memo Ex.PW10/6 has been proved which was made from a place described in site plan of recovery Ex.PW10/7, and sketch of iron rod is Ex.PW10/5.

88. Recovery of iron rod **Ex.MO/1** from accused **Sandeep @ Monu** vide recovery memo Ex.PW9/6 has been proved sketch of which is Ex.PW9/5 and site plan of recovery is Ex.PW10/16. Recovery of iron pipe **Ex.MO/5** from accused **Bablu** vide recovery memo Ex.PW10/12 and sketch of iron pipe is Ex.PW10/8.

89. Now let us **analyse** medical evidence, produced by the prosecution to see whether nature of injuries sustained by victims Madan (PW1) and Ravinder (PW2) and weapons of offences are

corroborated by medical evidence?

90. Dr. Balram Medical Officer CHC Samalkha (PW12) proved MLR dated 26.5.2022 Ex.PW12/1 of **victim Madan (PW1)** and referral slip Ex.PW12/12. Dr. Balram also proved opinion Ex.PW11/2 relating to weapons got recovered by accused that injuries could be caused by said weapons. PW12 in his **cross** examination stated that victim Madan came at hospital at about 10.00 AM on 26.5.2022 and he disclosed history as assault at 8.30 AM. PW12 stated that he had not mentioned kind of injuries. PW12 voluntarily stated that first injury did not fit in any terminology like abrasion or contusion. Injuries no.3 and 4 were just subjective injuries. There was no mark of injury or swelling noticed by him. PW12 also stated that he did not find any dust or earth on any injury. Abrasion was superficial injury and it only affect epidemic of skin. PW12 (Dr Balram) also stated that injury no.2 being self inflicted and by fall could not be ruled out.

91. Dr. Anubhav Bhardwaj Medical Officer CHC Samalkha (PW14) proved MLR dated 26.5.2022 Ex.PW14/1 of **victim Ravinder (PW2)** and OPD slip Ex.PW14/2. PW14 also testified that he had given opinion PW11/4 to the effect that injury was dangerous to life.

92 PW14 in his cross examination stated that victim Ravinder came at hospital at about 9.30 AM and he disclosed history as assault at 9.15 AM. PW14 stated that first of all he had made enquiry regarding

general condition of the victim Ravinder and then he prepared rough notes and thereafter MLR was typed and signed. Dr. Bhardwaj (PW14) also stated that when victim arrived in the hospital he was conscious, cooperative and well oriented. PW14 disagreed with a suggestion of accused that in the notes in the MLR later on added to oblige complainant party and Investigating Agency. It was further stated that abrasion was superficial injury on the epidemics of the skin. Possibility of all the three injuries of victim Ravinder could not be ruled out.

93. Dr. Bhardwaj (PW14) In his cross further stated that he had given opinion Ex.PW14/3 only on the basis of opinion of treating doctor since he was not having experience to give his personal opinion. He had given opinion on the MLR mentioned in application Ex.PW11/3. Opinion regarding nature of injury of victim Ravinder was not required to be given since it was not sought in the application Ex.PW11/3. PW14 (Dr. Bhardwaj) also stated that if injuries are serious then surgical intervention is required otherwise patient is treated conservatively . PW14 also stated that opinion regarding weapon was to the effect that injury could be possible by such like weapons produced by Investigating Officer .

94. Dr. Manisha Dewan of Diagnostic Center Model Town Panipat (PW13) in examination in chief deposed that she on 26.12.2022 conducted NCCT Head of victim Ravinder and prepared report

Ex.PW13/1 and as per said report there was scalp swelling in the right frontal region with undisplaced **hairline fracture right frontal bone** extending inferiorly into the right frontal sinus and supra orbital region with hemosinus. Dr. Dewan (PW13) in her cross-examination deposed that patient was referred by HS Memorial Hospital. She did not know how the patient reached the hospital. PW13 also stated that time of conducting NCCT was not mentioned on the report.

95. Dr. Amit Mehla H.S. Memorial Hospital Panipat (PW18) in his examination in chief stated that on 26.5.2022 victims Ravinder and Madan were admitted in said hospital. Victim Madan was admitted with complaint/ provisional diagnose of soft tissue injury over back and suspected **compression fracture L4, L5**. Victim was discharged on 27.5.2022 and discharge summary Ex.PW18/1 was issued. Dr. Mehla also proved his medical opinion Ex.PW18/2 regarding nature of injuries of victim Madan. As per opinion Ex.PW18/2 injury of fracture L4, L5 was **grievous in nature** .

96. Dr. Mehla (PW18) in his cross-examination stated that his final diagnose was the same i.e. soft tissue injury with compressed fracture L4, L5. PW18 stated that compression fracture could be caused by weak end bone or by condition like osteoporosis even if misstep is taken. PW18 explained that victim Madan was treated symptomatically. He had given opinion regarding nature of injury being grievous only on

the basis of suspected fracture.

97. Dr. Arun Mehla H S Memorial Hospital Panipat (PW21) in chief stated that on 26.5.2022 he was posted as Medical Officer in HS Memorial Hospital and on that day victim Ravinder and Madan were admitted there . PW12 sent information to police which was Ex.PW21/1 victim Ravinder complained of pain, swelling, tenderness over scalp and tenderness of left shoulder and of back. PW21 stated that victim Ravinder was treated by him and discharged on 30.5.2022 and discharge summary was Ex.PW21/2. PW12 also stated that he had given opinion Ex.PW21/3 after going through CT Scan Ex.PW13/1 that injury no.1 of victim Ravinder was **grievous and dangerous to life**.

98. Dr. Arun Mehla (PW21) in his cross-examination stated he had not mentioned time of information sent to him by the police on Ex.PW21/1. Victim Madan was not treated by him. Victim Ravinder was discharged on 30.5.2022 in OK condition. PW21 also stated that he was MBBS DCH which means Diploma in Child Health. Injury on the person of Ravinder on his head was **a specialized job of neurosurgeon and neurologist**. Victim Ravinder was treated conservatively by him. PW21 agreed with a suggestion of accused that if he considered EDH as small and if there is no imminent danger to life then the patient is treated conservatively and if the EDH is large and injury is **dangerous to life** then patient is **operated for the injury**. PW21 also stated that his

opinion Ex PW21/3 means that injury itself was not dangerous to life but it could endanger life. PW21 also stated that victim Ravinder was discharged in OK condition. PW21 finally agreed with suggestion of accused there was number of Neurosurgeon in Panipat at that time. PW21 disagreed with suggestion that he had given Ex.PW21/3 to oblige the Investigating Agency and complainant party.

99. **Finally** Dr. Amit Chaudhary MS Ortho Surgeon Jyoti Clinic and Nursing Home Shahdra Delhi (PW16) in his examination in chief deposed that on 31.5.2022 victim Ravinder was admitted in said hospital for treatment. **Final diagnoses was EDH in right frontal region with hairline fracture.** Ravinder was discharged on 5.6.2022 and discharge summary Ex.PW16/1 was issued.

100. Dr. Chaudhary (PW16) in his cross-examination stated that difference between Clinic and Hospital was that in clinic only OPD is conducted whereas in hospital patients can be admitted. Jyoti Clinic was also a Nursing Home so patient could be admitted there. PW16 stated a fact that there was **no Neurologist or Neuro Surgeon in his Nursing Home.** PW16 further stated that patient Ravinder was discharged in OK condition from the previous hospital but patient came to him as he **complained of headache and giddiness.** Further stated that patient treated conservatively in previous hospital and was discharge in OK condition. Patient was not referred by any doctor and

patient was brought to him by his relatives ( doctor's relatives). PW16 disagreed with a suggestion of accused that there was no requirement of admitted victim Ravinder or treating him and he prepared false discharge summary to oblige his relative without any such general condition and complaint of the victim .

101. On an **analysis** of above described medical evidence of the doctors vis a vis their cross-examination conducted by accused it is expressed that MLRs of both the victims Madan and Ravinder issued by CHC Samalkha have been proved and time mentioned therein matched with the time of receiving injuries in an assault. Time of referring victims Ravinder and Madan to HS Memorial Hospital matched with the time of MLRs. As per medical opinion Ex.PW18/2 of victim **Madan**, compressive fracture on L4,L5 was found and said injury was **grievous in nature**. As per opinion Ex.PW21/3 expressed by Dr. Arun Mehla (PW21) head injury of of victim Ravinder was grievous and dangerous to life.

102. It is observed that **although** Dr. Arun Mehla (PW21) in his cross-examination stated that he was MBBS DCH only and treatment of injury of victim Ravinder on his head was a specialized job of Neurosurgeon and Neurologist and victim Ravinder was treated conservatively, **but** such fact of non examination of victim Ravinder by a specialized Neurosurgeon could not be taken as a fact to outrightly

disbelieve opinion Ex.PW21/3 of Dr. Arun Mehla (PW21) because said opinion was corroborated by the medical evidence of Dr. Amit Chaudhary of Jyoti Clinic (PW16) who proved that final diagnose of victim Ravinder was EDH in right frontal region with hairline fracture.

103. Thus from the **analysis** of above medical evidence these facts come out that **nature of injuries** of victim Madan (PW1) was grievous in nature and injury of victim Ravinder (PW2) was dangerous to life. Injuries were caused to Madan and Ravinder by accused Rajbir @ Raju with an iron rod Ex.MO/3, by accused Sandeep @ Monu by an iron rod Ex.MO/1 and by accused Bablu with iron pipe Ex.MO/5.

104. In the facts, founded above, ratio of rulings supra relied upon by Ld. Defence Counsels become distinguishable in the present case.

105. Therefore it is **concluded** that so far as identity of accused **Mukesh @ Titu, Parveen Kumar @ Bina and Govind** is concerned it has not been proved beyond reasonable doubt so prosecution failed to prove charges against said three accused who are **acquitted** of all the charges. Their bail/surety bonds stand discharged.

106. However, prosecution has **successfully proved** beyond reasonable doubt identity of accused Rajbir @ Raju, Bablu and Sandeep @ Monu in furtherance of their common intention caused simple and grievous injuries to victims Madan and Ravinder with above weapons

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i.e. iron rods, iron pipe and injuries dangerous to life were caused to victim Ravinder. Said proved accusations attract commission of offences punishable under sections 307, 323,325,506 read with section 34 IPC.

107. Therefore accused Rajbir @ Raju, Bablu, Sandeep @ Monu are hereby held guilty and **convicted** under sections **307,323,325, 506 IPC**. Let they be heard on the quantum of sentence.

**Pronounced in open Court.**  
**17.04.2026**

**Rajesh Kumar Mehta**  
**Additional Sessions Judge,**  
**Panipat. (UID No.HR0136).**

This judgment contains 41 pages and all pages are checked and signed by me.

**Rajesh Kumar Mehta**  
**Additional Sessions Judge,**  
**Panipat.17.04.2026**

*Typed by: Mamta Rani,*  
*Stenographer Gr.I.*