

SUPREME COURT OF INDIA

State of Punjab

Vs.

Mohinder Singh

Crl.A.No.1328 of 2003

(R.V. Raveendran and P. Sathasivam JJ.)

26.06.2008

ORDER

1. This appeal by special leave is by the State of Punjab against the judgment dated 30.10.2002 of the Punjab & Haryana High Court in Criminal Appeal No.613 SB of 1987.

2. The prosecution case in brief was that on 2.7.1986 one Jagir Singh and his uncle Pal Singh were standing in the plot of Pal Singh and talking to each other. At that time, Mohinder Singh came near them in a drunken state, and shouted that he will teach a lesson to Pal Singh for not allowing him to tether his cattle in the plot. He gave a gandasi blow which hit Jagir Singh on the head. The injured Jagir Singh was taken by Pal Singh to his house and on the next day he was admitted to S.G.T.B. Hospital, Amritsar. It is stated that on 3.7.1986, Head Constable Balwinder Singh reached the hospital but as the doctor informed him that Jagir Singh was not in a position to make any statement, FIR was not registered.

“However, on 6.7.1986, Head Constable Balwinder Singh met Pal Singh in the said hospital and his statement was recorded and on that basis FIR was registered.

Thereafter, the respondent was charged with the offence under Section 307 IPC and he faced trial. The injured Jagir Singh was examined as PW3, his uncle Pal Singh who was the informant was examined as PW2. Balwinder Singh, Head Constable was examined as PW4 and the Doctor was examined as PW1. The trial Court by its judgment dated 27.10.1987 held the accused guilty, convicted and sentenced him for four years R.I. with a fine of Rupees One Thousand under Section 307 IPC. The appeal filed by the respondent-accused was allowed by the High Court by the impugned judgment dated 30.10.2002 primarily on the ground that the occurrence had taken place on 2.7.1986, and the FIR was registered on 6.7.1986, after four days, and there was no satisfactory explanation as to why Pal Singh waited for four days for registering the FIR.”

3. The learned counsel appearing for the State contended that the injured Jagir Singh was hospitalised and was not in a position to make any statement to the police and, therefore, it could not be said that the four days' delay was fatal to the case of the prosecution.

4. The High Court has considered the facts of the case in proper perspective.

“The incident occurred in the plot of Pal Singh on 2.7.1986 at 8 p.m. when he was talking to his nephew Jagir Singh. According to the prosecution case, the accused to give vent to his anger against Pal Singh attacked Pal Singh in a drunken condition but the blow landed on Jagir Singh. Admittedly, Pal Singh and other relatives kept Jagir Singh in the house on 2.7.1986 and took the injured Jagir Singh to hospital on 3.7.1986 and got him admitted. Even assuming that Jagir Singh being injured and hospitalised, was not in a position to make any statement, there is no satisfactory explanation as to why neither Pal Singh, who gave the information on 6.7.1986, nor the other relatives did not give the information about the incident earlier particularly as the incident occurred in Pal Singh's land and the attack was allegedly directed against him. The High Court has observed that non-registering of FIR for four days and failure on the part of Pal Singh and other relatives of Jagir Singh to give timely information leads to an inference that FIR was recorded after due deliberations and consultations obviously to implicate the accused.”

5. As noted above, the incident is of the year 1986. The High Court has allowed the appeal and acquitted the respondent in the year 2002, giving cogent reasons. We find no reasons to interfere with the said judgment. Appeal is, accordingly, dismissed.