

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
[ARISING OUT OF SPECIAL LEAVE PETITION (CRIMINAL) NO.10711 OF 2019]

MOHINDER MASIH

APPELLANT(S)

VERSUS

HARBHAJAN SINGH & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The first and second respondents are the accused. The respondents were prosecuted for the offences punishable under Sections 447 and 506 of the Indian Penal Code, 1860 (for short, 'the IPC'). The order of acquittal of the Trial Court was overturned by the learned Additional District Judge and the first and the second respondents were convicted for the offences punishable under Sections 447 and 506 of the IPC and they were sentenced to undergo rigorous imprisonment for a period of 2 years.
3. After having perused the impugned judgment, we find that the High Court has interfered in revisional jurisdiction by passing an order of acquittal without even referring to the evidence on record. We are constrained to say that the order of conviction has been casually set

aside without appreciating the evidence on record. Only on that ground, we set aside the impugned order dated 9th April, 2019 and restore CRR No.3465 of 2014 (O & M) to the file of the High Court of judicature of Punjab and Haryana at Chandigarh. The restored revision petition shall be listed before the Roster Bench on 20th January, 2025. Parties who are represented today shall appear before the Roster Bench on that day for fixing a date of hearing.

4. The High Court will decide the revision petition afresh after considering and appreciating the evidence on record. Till the disposal of the revision petition, the substantive sentence of the first and second respondents shall stand suspended.

5. The appeal is partly allowed on above terms.

6. All the contentions are left open to be decided by the High Court.

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

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
DECEMBER 3, 2024.

ITEM NO.19

COURT NO.5

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.15673/2019

[Arising out of impugned final judgment and order dated 01-03-2019 in RSA No. 1964/2006 passed by the High Court of Punjab & Haryana at Chandigarh]

GURO (DEAD) REP BY HER LRS

Petitioner(s)

VERSUS

HARBHAJAN SINGH & ORS.

Respondent(s)

WITH

SLP(Crl) No. 10711/2019 (II-B)

(IA No. 172930/2019 - EXEMPTION FROM FILING O.T.)

Date : 03-12-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Sudhir Walia, Adv.
Ms. Niharika Ahluwalia, AOR

For Respondent(s) Mr. Manoj Swarup, Sr. Adv.
Mr. Ankit Swarup, AOR
Mr. Hamad Tariq, Adv.

Mr. Neeraj Kumar Jain, Sr. Adv.

Mr. Siddharth Jain, Adv.

Mr. Umang Shankar, AOR

Mr. Sanjay Singh, Adv.

Mr. Shailendra Singh, Adv.

Mr. Raghav Nagpal

Mr. Karan Sharma, AOR

Ms. Pallavi Tayal, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) No.15673/2019

After having heard learned counsel appearing for the petitioners and after perusing the findings recorded by the District Court and High Court, we find that this is not a case to interfere under Article 136 of the Constitution of India. Accordingly, the special leave petition is dismissed.

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

SLP(Crl) No. 10711/2019

Leave granted.

The appeal is partly allowed in terms of the signed order.

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

(KAVITA PAHUJA)
AR-cum-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]