

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Appeal D-1777-DB of 2014
Date of Decision : May 21, 2015

Tejpal Kaur

....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. S.K.Sandhir, Advocate
for the appellant

Mr K.D.S.Sidhu, Addl. Advocate General, Punjab
for respondent No.1-State.

Mr J.S.Lalli, Advocate
for respondent No.2.

T.P.S. MANN, J.

The appellant, who had received injuries in the occurrence in question and, thus a victim, has filed the present appeal for challenging the acquittal of respondent No.2-Charanjit Singh, as recorded by learned Additional Sessions Judge, Ludhiana, vide judgment dated 22.8.2014.

The case of the prosecution, in nutshell, is that on 26.9.2012 at about 5.00 PM, the appellant, alongwith her son Satwant Singh, was present in their fields when accused Labh Singh and Charanjit Singh, holding a dang each and Gurpreet Singh alias Gopi armed with a 12 bore licensed gun of his father Labh Singh came there

from their house while raising lalkaras. Labh Singh stated that the appellant and her son would not be allowed to go unscathed. Gurpreet Singh alias Gopi fired a shot towards the complainant party. Satwant Singh lay himself on the ground and the gun shot fired at him passed over his head. The appellant was also asked by her son Satwant Singh to lay herself on the ground but she became nervous and started running towards her house. Gurpreet Singh alias Gopi fired another shot towards her with an intent to kill her which hit her on her head. As a result, she fell down. Her son raised an alarm which attracted her brother-in-law Arjun Singh, who was working nearby. The accused while raising lalkaras left the place of occurrence.

As per the prosecution, the complainant party had constructed their houses in their fields. Accused Labh Singh had also constructed his house in the fields at a distance of 3 killas from that of the complainant party. There was a dispute regarding common boundary but it was settled. Despite the same, Labh Singh and his son Charanjit Singh quarelled with the complainant party.

Having heard learned counsel for the parties, this court finds that though accused Charanjit Singh was stated to be armed with a dang at the time of occurrence but he was not attributed causing of any injury either to appellant Tejpal Kaur or her son Satwant Singh. In case, accused Charanjit Singh had been present at the spot, he would not have lagged behind in causing injury either to the appellant or her son as he was shown to be armed with a dang. Apparently, he was named as

accused on account of his being son of Labh Singh ,whose licensed gun was said to have been used by Gurpreet Singh alias Gopi in firing at the appellant and her son Satwant Singh. In such a situation, no case is made out for any interference in the impugned judgment to the extent of acquitting accused Charanjit Singh of the charges against him.

The appeal is without any merit and, accordingly, dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 21, 2015
pds.