

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.A-84-MA of 2015 (O&M)
Date of decision: 13th October, 2015

Jalour Singh

...Applicant

Versus

Jasvir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Partesh Bir Singh Sidhu, Advocate,
for the applicant.

INDERJIT SINGH, J.

Applicant Jalour Singh has preferred this application under Section 378(4) Cr.P.C. seeking permission for leave to file appeal against respondents Jasvir Singh, Jaswinder Singh, Surjit Singh and State of Punjab, challenging the impugned judgment dated 01.11.2014, passed by the learned Sessions Judge, Faridkot, whereby the complaint filed by him was dismissed and accused-respondent Nos.1 to 3 were acquitted.

It is stated in the application that the accompanying appeal has been filed which is likely to succeed. Learned Court below has acquitted respondent-accused Nos.1 to 3-accused from the charges framed against them, without appreciating the facts and evidence on record. It is also stated in the application that the learned trial Court has not considered the statements of witnesses in the present case. It is prayed that leave be granted to the applicant

to file appeal.

As per record, Jalour Singh complainant-applicant (hereinreferred as 'the complainant') filed a complaint under Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against accused Jasvir Singh, Jaswinder Singh and Surjit Singh. It is further stated in the complaint that complainant is 'mazbi sikh' by caste and accused are 'jat sikhs'. It is stated in the complaint that sister-in-law of the complainant is presently Sarpanch of the village. It is stated that Ajaib Singh etc. had a land dispute with the accused. On 26.12.2009, the complainant, as a part of the Panchayat, alongwith Kaur Singh and Gurdev Singh, Panch etc. had gone to police station, for compromise. When they were standing near the gate of the police station, they had asked the accused persons to effect compromise. Upon which accused Jasvir Singh got enraged and stated the words that *"Asin churhian chaprian de kehan te razinama nahin karna hai, tuhanu churhe charhama nu sarkaar ne sire charha ke rakhya hai. Tusin churhe charham aivan razinamian bich ture phirde ho"*. Lateron, on account of sister-in-law of the complainant, being sarpanch of the village and also not to stretch the fight, Kaur Singh had silenced them and had a talk for rendering apology. On 03.02.2010, at about 4:00 p.m., Kaur Singh son of Atma Singh and Gurdev Singh Panch etc. had met at the disputed land of accused Surjit Siangh where Kaur Singh had stated to Surjit Singh accused that they should render apology for their conduct. However,

accused Surjit Singh stated that *“mein atte mere lardkian nein churhe chamaran ton maafi nahi mangni, tusin jo karna hai kar lawo”*

The complainant had also come at the spot. Accused Surjit Singh, after uttering such words, had gone away. On 04.02.2010, the complainant had given an application to the Senior Superintendent of Police, Faridkot which was marked to Deputy Superintendent of Police, Kotkapura but no action was taken. Hence the complainant filed complaint before the Court.

The learned Court below, on the basis of evidence, acquitted the accused of the charges framed against them.

Feeling aggrieved against the said judgment, the applicant has preferred the instant application.

I have heard learned counsel for the applicant and have gone through the record.

From the perusal of the record especially from the impugned judgment, nothing has been pointed out as to how the reasoning given by the learned Court below is perverse or against the evidence. Nothing has been pointed out as to which evidence has been misread and which material evidence has not been considered by the learned Court below. The defence of the accused in statement under Section 313 Cr.P.C. was that there was a dispute between Ajaib Singh and Surjit Singh regarding the partition of the house and civil suit was pending in the Court at Faridkot. The accused further stated in the said statement that Complainant Jalour

Singh, was working as Seeri with Ajaib Singh and sister of Ajaib Singh is married in village Assa Buttar. Ajaib Singh was a go-between in the marriage of the daughters of Jalour Singh and his daughters are married at village Assa Buttar. Complainant has filed this complaint at the instance of Ajaib Singh for putting pressure on the accused to effect compromise in the civil suit. It is also stated in the statement under Section 313 Cr.P.C. that accused Jasvir Singh has been involved in this case as he has been working as teacher and his whole family is involved in the case. The learned trial Court, after appreciation of evidence came to the finding that PW2 Gurdev Singh has not supported the prosecution version. This witness has stated in his statement that nothing happened in his presence and the accused persons had never uttered any remarks against the caste of the complainant. Jalour Singh complainant-PW3 as well as PW1 Kaur Singh, in their examination-in-chief have deposed in a parrot like manner vis-a-vis contents of the complaint but the Court held that the case of the prosecution falls to the ground in view of their cross-examination. The Court further held that one thing becomes very certain that there is land dispute between accused Surjit Singh and his brother Ajaib Singh. This is also evident from Ex.D1 and Ex.D2. It is also established that complainant is working as Siri with Ajaib Singh, who is the rival party of accused. PW1 Kaur Singh has denied about this fact. At the time of arguments before this Court, the learned counsel for the applicant admitted that no

record from the office of Senior Superintendent of Police was called to prove the application given to the police on 04.02.2010. The learned Court below also held that the complaint had been filed after a long period and delay remained unexplained.

Therefore, from the aforesaid discussion, it is clear that the findings returned by the learned Court below in no way can be held as perverse and nothing has been pointed out as to which evidence has not been read in the right perspective by the learned Court below. The impugned judgment, passed by the learned Court below is correct and as per evidence and law and does not require any interference by this Court.

Therefore, finding no ground to grant leave to the applicant to file appeal, the instant application stands dismissed.

13th October, 2015
mamta

(INDERJIT SINGH)
JUDGE