

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-973-MA of 2015

Date of Decision : November 26, 2015

Paras Ram

.....Applicant

Versus

Sukhbir and others

....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Sarfraj Hussain, Advocate
for the applicant.

T.P.S. MANN, J.

Complainant-Paras Ram has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 16.3.2015 passed by learned Sessions Judge, Gurgaon whereby the accused/respondents No.1 to 3, namely, Sukhbir, Rajesh and Satbir @ Chuttan, sons of Mangaliya have been acquitted of the charges under Sections 452, 324 and 436 read with Section 34 IPC.

The case of the complainant, in nutshell, is that on 26.10.2010, at about 11.30 p.m. he went to his bed after taking meals and medicines. At about 12.15 a.m. (midnight), he heard some noise in the room and saw Sukhbir and Satbir @ Chuttan, sons of Mangaliya pouring oil on sofa-set and cot lying in the room and putting the same

on fire. He raised an alarm and both the accused, after locking the room from outside, ran away from the spot. According to the complainant, Rajesh son of Mangaliya and Pawan son of Sukhbir were also standing outside the room. He tried to come out of the room through the window but could not do so as he was handicapped and a cooler was fixed in the window. He started raising an alarm and knocking the door. Upon this, Ajit Singh, who was running a taxi office in the plot situated opposite to the plot of the complainant, came alongwith two drivers and after opening the door of the room, brought the complainant outside. The complainant had sustained burn injuries on his legs as well as on face in the incident. The accused had put the room of the complainant on fire in order to kill him as civil suit filed by Sukhbir and others against him in respect of land was pending in the Court. The complainant also pleaded that the matter was reported to the police by Ajit Singh, pursuant to which, the police reached the spot and shifted the complainant to Neelkanth Hospital, Gurgaon where he was treated by Dr. Ajay Kumar Sharma. On the basis of statement made by the complainant, DDR No.15 dated 27.10.2010 was recorded by the police but as no action was taken on the same, he filed the criminal complaint.

After recording the preliminary evidence, learned Judicial Magistrate summoned respondents No.1 to 3 to face trial whereas Pawan @ Parveen was discharged. The case was, thereafter, committed to the Court of Sessions where respondents No.1 to 3 were

charged for the aforementioned offences. The trial ended with the acquittal of the three accused.

Having heard learned counsel for the complainant/ applicant and on going through the impugned judgment of acquittal, this Court finds that no material has been brought on the record by the complainant to show that at the time of the occurrence, light was on inside the room in which he could have identified accused Sukhbir and Satbir @ Chuttan, who were said to be present in the room where he was sleeping and after pouring oil on the sofa set and the cot, put the same on fire. In the absence of light inside the room, the complainant could not have identified the two accused, who had set the sofa set and cot on fire. Similarly, according to the complainant, both the accused ran away from the spot after locking the room from outside. That being so, there was no occasion for the complainant to know that Rajesh and Pawan @ Parveen were standing outside the room. It has come on the record that there was already civil and criminal litigation going on between the parties. Even application for bail filed by the complainant and his sons in case FIR No.248 dated 24.9.2010 under Sections 323, 325, 34 and 506 IPC was fixed for consideration on 27.10.2010 and under these circumstances, possibility cannot be ruled out that the accused were named on account of the same.

It may also not be out of place to mention that DDR No.15 dated 27.10.2010 registered at instance of the complainant was

investigated by DW2 ASI Lakhpat Rai, who submitted his report under Section 202 Cr.P.C. to the effect that the same was a counter-blast to the previous enmity between the parties on account of civil and criminal litigations.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

The application is without any merit and, therefore, dismissed.

Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

November 26, 2015
satish