

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 1574 of 2014 (O&M)

Date of decision : 30.03.2015

Baljinder Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Baath, Advocate for the petitioner.

RAJAN GUPTA J.

CRR No. 1574 of 2014

Present petition has been preferred by complainant against order passed by Additional Sessions Judge, Gurdaspur dismissing appeal preferred by him against order dated 08.09.2010 passed by Judicial Magistrate Ist Class, Batala whereby he acquitted the accused of all the offences.

Learned counsel for the petitioner has argued that in view of nature of injuries caused in the occurrence and same having been proved beyond doubt by the prosecution, trial court as well as appellate court committed grave error while acquitting the respondents.

I have heard learned counsel for the petitioner.

Brief factual background of the case is that a complaint was lodged by Baljinder Singh (petitioner herein) alleging that on 07.03.1999 when he was inside his house, at that time accused Rajinder Singh, Gursharan Singh @ Rana and Surinder Singh @ Ladi alongwith 4-5 unidentified persons started demolishing the wall

of his house. When he tried to stop them, at that time Gursharan Singh raised '*valkara*' and exhorted other accused to teach the complainant a lesson. Thereafter, all the accused started assaulting the complainant and caused injuries. At this stage, one Gurdeep Singh came on the spot and all the accused fled away from the spot. Later on, complainant was admitted to Civil Hospital, Harchowal.

After completion of investigation, investigating agency submitted its report under section 173 Cr.P.C. Respondents no. 2 to 5 were later charged under sections 427/323/324 read with Section 34 IPC. Prosecution led as many as four witnesses in support of its case. Statements of accused were recorded under section 313 Cr.P.C. wherein they pleaded false implication. After appreciating the evidence on record Judicial Magistrate Ist Class, Batala found that prosecution had not been able to prove its case beyond doubt. She, thus, acquitted them of all the charges. Aggrieved, complainant preferred appeal before the Additional Sessions Judge, Gurdaspur. The appellate court, however, came to the same conclusion.

Petitioner has assailed both the orders before this court. He has not been able to point out any infirmity with the appreciation of evidence. FIR was registered way-back in the year 1999. However, Judicial Magistrate Ist Class found the accused not guilty. Appellate court reappraised the evidence and came to the same conclusion. As no ground for interference in concurrent findings is made out, I hereby dismissed the revision petition.

CRM No. 16272 of 2014

Since revision petition has already been dismissed, no order needs to be passed in this application.

March 30, 2015

Ajay

(RAJAN GUPTA)
JUDGE