

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-162 MA-2016 (O&M)

Date of decision: 05.05.2016

Narinder Kaura alias Lovely

.....Applicant

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Navpriet Kohli, Advocate for the applicant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRM No. 2849 of 2016

For the reasons mentioned in the application, it is allowed and 58 days delay in filing the application for grant of leave to appeal stands condoned.

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According to the complainant, accused were demanding Rs.51,000/- from the father of the complainant for construction of temple on the government land. He claims that on 26.7.2008 at about 7.45 a.m., the accused entered their house, carrying *dandas*, sticks and iron rods, abused and threatened the parents of the complainant. Accused Daggar Singh was having knife. A.D. Dhiani, Narain Singh and Sher Singh were holding sticks and Naginder Singh were carrying

stick and two-three others were carrying iron rods. When the complainant intervened to save his parents, Daggar Singh gave punch on the nose of the complainant, resulting into perfused bleedings. When complainant went to his room all the accused followed him and gave merciless beatings with stick blows. Accused A.D. Dhiani gave blow on the right hand of the complainant, which resulted into fracture of his fingers. Complainant fell down on the cot and was given kick and fist blows on the ribs, resulting in blood vomiting. When Ashu wife of the complainant interfered, Daggar Singh caught her from back and started molesting her. A.D.Dhiani snatched three *tola* gold chain from the neck of wife of the complainant. Complainant raised alarm, on which number of persons from the vicinity gathered at the spot. Accused slipped away.

I have heard learned counsel for the applicant and have also carefully gone through the file.

It comes out that regarding same occurrence, an FIR No.293 of 2008 was registered at the instance of the complainant. And after investigation, the police did not find any substance in the contents of the FIR and cancelled said case. Thereafter, the present complaint was filed. It also comes out that lower Court called for the report of the police under Section 202 Cr.P.C., from which it comes out that accused had gone to the house of the complainant for the purpose of talking with the father of the complainant regarding construction of temple. It was also reported that father of the complainant, namely, Swaraj Mal Kaura (now deceased) had performed Bhoomi Pujan on the temple site. It was reported that on

26.7.2008, it was rather Narinder Kaura, who picked up quarrel with the accused on the ground that he should not construct temple in the vicinity of his residence. It further comes out that from the said report that accused had also suffered injuries. The said injuries have not been explained by the complainant nor he claims that he also caused some injuries to the accused in self defence. According to the complainant, many people from the vicinity had gathered at the spot but none from the neighbourhood was examined. Therefore, lower Court did not believe the evidence of the complainant regarding injuries received by him.

Learned counsel for the applicant states that testimony of the doctor has not been discussed by the lower Court. Even if it is so, once it is found that the complainant has failed to prove his case, the testimony of the doctor becomes irrelevant.

I am of the view that the lower Court has given sound reasoning in support of the judgment. The lower Court has taken a rational view of the matter. The judgment of the lower Court cannot be called illegal or perverse.

Hence, the application for grant of leave to appeal is dismissed.

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gk

(Kuldip Singh)
Judge