

218

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

CRM-A-1951-MA-2014

Date of Decision: 11.04.2016

KEWAL SINGH

..... Petitioner

VS.

AMRIK SINGH AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Amandeep Singh Manaise, Advocate,
for the appellant.

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)

Heard.

Petitioner is aggrieved of the order dated 04.09.2014 passed by the learned Judicial Magistrate Ist Class, Gurdaspur vide which his complaint titled as "*Kewal Singh Vs. Amrik Singh and others*" was dismissed.

The perusal of the judgment shows that the allegations were that on 18.12.2007 at about 2.00 PM all the accused armed with deadly weapons forcibly entered into the fields in possession of the complainant where *sarson* (mustard) crop was standing, ploughed all crop. Two of the accused are ladies.

Lower Court has held that the complainant has failed to produce any copy of the document to show that on the date of crime he was in possession of the land.

Admittedly as per the complainant, accused got corrected the *Girdwari* of disputed property in their favour regarding which he obtained the stay orders. However, in order to prove the offence of the criminal trespass, the complainant was required to prove his possession over the disputed land. Further, the lower Court has held that one of the accused was present and supervising the examination in Government Polytechnic College, Amritsar.

The lower Court held that the case of the complainant is not free from doubt. There are material contradictions in the statement of the complainant and his witnesses. It was further held that there are chances of false implication of the accused to settle the score regarding change of the revenue record in favour of the accused Satnam Singh, Sukhdev Singh and Balwinder Singh. All the three witnesses are the near-relations of the complainant and there is no independent corroboration.

I am of the view that the judgment of the lower court cannot be called illegal or perverse. The lower Court has taken one of the possible views. Therefore, no interference in the impugned judgement is called for. Hence, the present application for leave to appeal is dismissed.

[KULDIP SINGH]
JUDGE

April 11, 2016

Suresh Kumar