

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

CRM-A-213-MA-2014 (O&M).
Decided on:-01.03.2016.

Gurmail Singh @ Jagmail Singh.

.....Applicant-Appellant.

Versus

Baghel Singh and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Abhijeet Partap Singh, Advocate
for the applicant-appellant.

HARI PAL VERMA, J. (ORAL)

This application has been moved under Section 378(4) of the Code of Criminal Procedure for grant of leave to appeal against the order dated 2.12.2013 passed by the Court of learned Judicial Magistrate 1st Class, Sangrur.

I have heard learned counsel for the applicant-appellant, besides perusing the record with due care and circumspection.

Leave granted.

Gurmail Singh @ Jagmail Singh has filed the present appeal impugning order dated 2.12.2013 passed by learned Judicial Magistrate 1st Class, Sangrur whereby the complaint filed by him against respondents Baghel Singh, Balkar Singh @ Kala, Avtar Singh and Manjit Singh under Sections 323/324/341/342/500/506/307 read with Section 3/4 of the

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, was dismissed.

Learned counsel for the appellant contends that the trial Court has not appreciated the evidence and once the accused have been ordered to be summoned, it sufficiently establishes the involvement of the accused. He further submits that earlier the respondents-accused were summoned, however, against the said summoning order, the respondents preferred a revision petition wherein the learned revisional Court remanded the case back to the Magistrate for fresh decision.

I have heard learned counsel for the appellant.

The allegation in the complaint are that the appellant-complainant along with his sons, namely, Dharam Singh (CW1) and Baljit Singh (CW3) was wrongfully restrained by the accused persons and was mercilessly beaten on 21.10.2008 at about 11.00 a.m. However, perusal of the order dated 2.12.2013 passed by learned Magistrate reveals that the complainant has failed to produce any medical evidence which may refer to any injury caused to him. Further more, no independent witness has been examined by him in support of his claim. Even the police has investigated the matter and found that no such occurrence has taken place. The background of the case is that some civil disputes are pending between the parties and it is in order to settle that score, the present complaint was filed.

In view of the above, there is no illegality in the impugned

order passed by learned Magistrate which may warrant interference of this Court. Accordingly, affirming the same, the present appeal, being devoid of any merit, is dismissed.

March 01, 2016

Yag Dutt

(HARI PAL VERMA)
JUDGE