

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

CRA-S-1921-SBA-2006 (O&M)
DATE OF DECISION : 31st JULY, 2017

State of Punjab

.... Appellant

Versus

Tarlok Singh

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Ms. Samina Dhir, D.A.G. Punjab for the appellant.

Mr. Guljar Mohd., Advocate for
Mr. Rajesh Gupta, Advocate for the respondent.

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A. B. CHAUDHARI, J. (ORAL)

This is an appeal against acquittal by the State of Punjab against the judgment and order 22.12.2005 passed by Special Judge, Ludhiana in case CC No.37 of 22.09.2001, RBT No.59 dated 13.05.2005, vide which respondent Tarlok Singh was acquitted of the charge framed against him under Section 7, 13(2) of the Prevention of Corruption Act, 1988.

Heard learned counsel for the rival parties and perused the record as well as relevant evidence.

Perusal of the evidence and cross-examination of PW-2 Brij Lal shows that he has clearly stated that Tarlok Singh was transferred and was relieved on 24.09.2000. Hence the trial Court has recorded finding

that there was no occasion for the complainant to pay bribe to Tarlochan Singh nor there was any occasion for Tarlochan Singh to accept the bribe. The arguments made by learned State counsel that Tarlok Singh was in additional charge has not been supported by the prosecution witness PW-2 and on the contrary he has stated that he has completely left the charge and had been relieved.

In that view of the matter the finding recorded by the trial Judge in paragraph 12 cannot be faltered, which read thus:

“12. in the light of above discussion, I am of the view that prosecution has failed to prove that accused Tarlok Singh was in a position to help the complainant since he was not posted in Dalla Beat at the time when damage to the trees was detected. The damage report was issued by Sarabjit Singh, Forest Guard, Dalla Beat and notice was also issued by Sarabjit Singh, Forest Guard. The prosecution has also failed to prove that there was prior demand of illegal gratification. The complainant is not credit worth. No independent witness is joined and examined. The witnesses are discrepant on many points which cast doubt in the version of the prosecution. It is duty of the prosecution to prove each and every fact beyond doubt. In case of doubt,

the benefit of doubt goes to the accused. So, the
accused Tarlok Singh is accordingly acquitted of
the charge framed against him.”

In the result, I find no merit in the present appeal against
acquittal. As a sequel of above discussion, I make the following order:

ORDER

- (i) The CRA-S-1921-SBA-2006 is dismissed.

31st JULY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>