

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S- 654-SBA-2006(O&M)

Date of decision: 11.10.2017

State of Punjab

...Appellant

V/s.

Kamaljit Singh

...Respondent

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

Present: Mr. Dhruv Dayal, Sr. DAG, Punjab for the appellant.

None for the respondent.

A.B. CHAUDHARI, J. (Oral)

The State of Punjab has filed the present appeal against the judgment and order dated 31.03.2005 passed by JMIC, Ludhiana by which it recorded the order of acquittal of the respondent-accused.

Heard learned counsel for the appellant-State of Punjab. He vehemently argued that trial Court made a mistake by acquitting the respondent-accused. He submits that though the evidence is on record for ordering conviction and though the incident is of July 1991 in fact that impersonation was made by the respondent-accused for drawing salary of some other employee police constable was duly proved on record.

None appears for the respondent.

Having heard learned counsel for the appellant and upon perusal of the judgment and reasons recorded by the trial Court, I have the same view taken by the trial Court is quite probable and the distinct view is not possible. I quote the following paragraph:

“17. Secondly the accused had taken a plea of false implication by the DSP. Though there is no straightjacket

formula for dealing with such general allegations but at least in such cases evidence needs to be evaluated with caution. Working with this caution enough material contradictions do have erupted in the present case e.g. PW 3 says when he came from toilet he found noisy scene there, meaning thereby the alleged attempt was not made in front of him and he came at the spot afterwards, whereas in his examination in chief he deposed like as it he himself witnessed the whole incident of alleged impersonation by the accused. C. Jaswinder Singh in his cross examination said he apprehended the accused and at that Bakshi Ram was at the gate whereas it is the prosecution and complainant's case that Bakshi Ram apprehended the accused with the help of other persons. To my mind these are not minor contradictions particularly when allegation of frame up by the DSP is made. By all counts at least this makes prosecution case shrouded with dubious circumstances in which it shall not be safe to convict the accused.”

I agree with the reasons given by the learned trial Court for giving a benefit of doubt to the respondent. Appeal is therefore dismissed.

(A. B. CHAUDHARI)
JUDGE

11.10.2017

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No