

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1053-MA of 2016

DATE OF DECISION: MARCH 22, 2017

HARMAIL KAUR

...APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

...

RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI.**

PRESENT: MR. PRABHJOT SINGH, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

1. Complainant Harmail Kaur (PW3) aggrieved by the acquittal of respondents No.2 to 26 has preferred the present application seeking special leave to file an appeal.

2. It is the case of the prosecution that on 8.7.2012, when PW3 Harmail Kaur came out of the residence of her parents, it was attacked by accused persons who were armed with kappas, sticks, etc. Accused Piara Singh opened fire from the rifle with an intention to kill her, but none was injured. The entire household articles and cash of ₹1,95,000/- and gold weighing about 13 tollas were taken away by the accused. Having trespassed upon the house of her father, they took away all the above articles on a tractor after wielding threat to the complainant of dire consequences.

3. On the side of the prosecution, 7 witnesses were examined.

4. The trial Court having adverted to the evidence on record,

passed a verdict of acquittal.

5. We perused the entire records in the background of the submissions made by learned counsel for the complainant.

6. It is the admitted case of PW3 Harmail Kaur that accused trespassed upon the house of her father Jeet Singh who has also been arrayed as one of the accused by her. In our considered view, it was only Jeet Singh who should have lodged a complaint if at all the accused had trespassed upon his house and taken away all the valuable articles described in the complaint. It is the admission of PW3 that she was in fact annoyed with her father as he had sold his estate to accused Harbans Kaur without giving any share to her. It is found that on account of such a grievance, she had filed the complaint against the accused including her father, as though he also joined hands with the co-accused in making the trespass upon the property of himself.

7. The revenue records brought by PW5 Daulat Ram, Patwari establish that it was only accused Jeet Ram, the father of the complainant who was the original owner of the property. He sold away his property to accused Harbans Kaur. Nobody had sustained injury in the occurrence. The articles recovered are easily available in the market as per the admission made by PW2 ASI Atma Singh. Therefore, it is found that the applicant has arrayed as many as 25 persons including her father as accused when nobody had sustained any injury.

8. The trial Court has rightly evaluated the evidence on record and come to a proper conclusion that the prosecution failed to establish the

charges framed as against the accused. Therefore, special leave sought for is declined and consequently, the application is dismissed.

(M. JEYAPPAUL)
JUDGE

March 22, 2017
Gulati

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether Reportable : No

Whether Speaking/Reasoned : Yes