

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

CRM A-1255-MA of 2017

Date of Decision: August 29, 2017

Kulwinder Singh	Versus	Applicant
State of Punjab and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Divyadeep Walia, Advocate
for the applicant.

T.P.S.MANN, J.

Judgment dated 3.2.2017 passed by the Additional Sessions Judge, Ludhiana, while acquitting respondents No. 2 to 6 of the charges under Sections 148, 458, 364, 506 and 149 IPC is sought to be challenged by the applicant by seeking leave to appeal.

According to the prosecution, the applicant made statement before ASI Rajwant Pal Singh on 4.8.2011 that he was resident of village Raipur Bet, Police Station Koom Kalan and an agriculturist by profession. On that day, he had gone to

Machhiwara for some domestic work. At about 8.30 p.m., when he returned home his wife told him that at about 8.00 p.m. all the accused persons alongwith 3/4 unknown persons while armed with dangs and gandasis came in an Indigo car and black jeep and after raising lalkara started banging the gate with dangs and gandasis. They challenged the applicant to come out. Out of fear, his wife took their children to one room where all the accused came and forcibly tried to kidnap his minor handicapped son Jaibir Singh, aged about 12 years by putting him in their vehicles. His wife raised an alarm which attracted their servant Yusuf and Manraj Singh to the spot. On seeing them, the accused persons fled away alongwith their respective weapons but threatening the complainant party with dire consequences. The villagers had also gathered at the spot. The reason behind the occurrence was that the applicant had got Gurjinder Singh accused suspended from the post of Sarpanch and for that reason the accused launched an attack on the complainant party and tried to abduct the minor child.

This Court has heard learned counsel for the applicant and perused the impugned judgment of acquittal.

PW1 Kulwinder Singh was admittedly not present at the time of the alleged occurrence. He had deposed as to what was conveyed to him by his wife and their servant. However,

during the investigation of the case, an inquiry was conducted by DSP Balwant Singh, whom the accused examined as DW3. In the inquiry report Ex.D40, it was stated that the accused were innocent. No such occurrence had taken place as alleged by the prosecution. No independent witness was there who could have proved the prosecution case. While the accused belonged to the Congress Party, the complainant belonged to Akali Dal.

It may also be noticed that though Jaibir Singh, the minor child was sought to be kidnapped and was also dragged yet he was not got medico-legally examined.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the learned trial Court. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

August 29, 2017
amit rana

(MAHABIR SINGH SINDHU)
JUDGE

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