

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

**CRM A-319-MA of 2016**

Date of Decision : October 12, 2017

Balwinder Singh

.....Applicant

**VERSUS**

Smt. Simran Kaur and others

.....Respondents

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

Present : Mr. Ranjit Singh, Advocate  
for the applicant.

**T.P.S. MANN, J.**

The complainant has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 7.12.2015 passed by the Judicial Magistrate 1<sup>st</sup> Class, Guhla whereby the accused/respondents stood acquitted of the charges under Sections 323, 380 and 457/34 IPC.

According to the complainant, Smt. Simran Kaur and Jasbir Kaur, respondents No.1 and 2 were his real sisters, Lakhwinder Singh, respondent No.3 is his real brother whereas Joga Singh, respondent No.4 is their maternal uncle. He had one more sister, namely, Sukho. There was a dispute between him and accused/respondents No. 1 to 3 regarding their ancestral/joint Hindu Family property situated in village Chakku Ladana regarding which a civil case was pending in the Court of Additional Civil Judge (Senior Division), Guhla. On the night intervening 7/8.12.2011 at about 12.00/1.00 a.m., all the accused

forcibly entered his house. They were armed with lathi and gandi in their hands. Respondent No.1 raised a *lalkara* that the complainant be taught a lesson for filing civil suit against them and they would also loot his house. All the accused launched an attack upon the complainant by giving injuries to him on his back, left leg and head. The complainant raised an alarm upon which his son started weeping and called for help. Sewa Singh and Baldev Singh, sons of Iqbal Singh reached the spot and rescued the complainant from the clutches of the accused. All the accused ran away from the spot and while doing so, they also took 15 tolas of gold ornaments and Rs. 45,000/- in cash from his iron box. The complainant was brought to CHC, Guhla by Baldev Singh and Sewa Singh, where he was medico-legally examined. The complainant reported the matter to the police and he was assured that action would be taken against the accused but for one reason or the other the police kept on delaying the matter. Finding no relief, he submitted a representation to the Senior Superintendent of Police, Kaithal, Director General of Police, Haryana and other higher authorities, but despite the same no action was taken against the accused. Hence, he had filed the criminal complaint.

Having heard learned counsel for the complainant and on going through the impugned judgment of acquittal, this Court finds that the complaint had been filed after about nine months of

the alleged incident. The explanation regarding delay does not seem to be probable. Moreover, there was no evidence regarding theft of gold ornaments and cash especially when the complainant had examined himself in support of his case. The other witness, namely, CW3 Baldev Singh deposed during his cross-examination that he was told about the injury by the complainant and in the statement made before the Court, he did not mention name of any of the accused. CW4 Dr. Sandeep Batish, who had identified the signatures of Dr. Ajay Kumar on the MLR Ex. CW4/B deposed that he had not seen the record and Dr. Ajay Kumar stood transferred to Mulana and the MLR was not prepared in his presence.

Admittedly, there was civil litigation going on between the parties. As such, possibility of false implication of the accused cannot be ruled out.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

The application is without any merit and, therefore, dismissed. Special leave to appeal is declined.

**( T.P.S. MANN )**  
**JUDGE**

**October 12, 2017**  
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**( MAHABIR SINGH SINDHU )**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No