

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

Criminal Misc.No. A-753-MA of 2017

Date of Decision : July 05, 2017

Salochna Devi

....Applicant

Versus

State of Haryana and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present : Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the applicant.

T.P.S. MANN, J.

Complainant-Salochna Devi, at whose instance FIR No.357 dated 13.10.2011 under Sections 307,429 and 506 IPC and Sections 25/27 of the Arms Act, Police Station Ratia was registered against accused/respondents No.2 to 6, has filed the present application under Section 378(3) read with Section 482 Cr.P.C. for grant of leave to appeal against the judgment dated 20.2.2017 passed by learned Additional Sessions Judge-I, Fatehabad.

Vide impugned judgment, learned trial Court acquitted the accused/respondents of the charges under Sections 148, 307, 429 and 506 read with Section 149 IPC, besides Raj Kumar and Satpal, accused/respondents No.2 and 3 of the charge under Section 30 of the Arms Act.

While making statement before SI Rattan Lal on

13.10.2011 at bus stand of village Ratta Khera, the applicant, who was accompanied by her husband Yugraj, stated that on that day she, alongwith her mother-in-law Chawli Devi, was present at the Dhani situated in the fields. Her husband was away to the village for bringing fertilizers whereas her father-in-law was away to Ratia for depositing electricity bill. At about 2.30/3.00 p.m. she, alongwith her mother-in-law Chawli Devi was sitting on a cot near the door when one big vehicle, one car and one motor-cycle came from the side of the village and stopped at a distance of one killa from her Dhani. 15/20 persons alighted from the vehicles. Raj Kumar, Satpal, Sanjay and Dushyant accused were armed with guns, Jagdish accused with gandasi, whereas other persons were armed with lathi, danda, etc. Raj Kumar and others raised a lalkara to take possession of the land and harvest the paddy crop. Raj Kumar fired a shot from his gun which hit the wall of the house of the complainant. Satpal fired at her and her mother-in-law, which also hit the wall. In order to save their lives, the complainant and her mother-in-law went inside the Dhani and shut the door. Another shot was fired which pierced the door. However, the complainant and her mother-in-law had a narrow escape. Before leaving the spot, the accused proclaimed that they would kill the complainant and others on finding a suitable opportunity. Due to fear, the complainant and her mother-in-law did not come out. After the assailants went away, the complainant saw that calf of the buffalo was bleeding from its left

foot on account of being hit by a gun shot. The motive behind the occurrence was that father-in-law of the complainant had a dispute regarding 13 killas of land with Raj Kumar accused and civil litigation was pending in the Court. Raj Kumar accused wanted to occupy the land forcibly.

Having heard learned counsel for the applicant and on going through the impugned judgment of acquittal, this Court finds that there was no fire arm signs nor any pellet recovered from the place where the complainant and her mother-in-law were said to be present at the time of the occurrence. Even no cardboard wad was found outside the wall or in the passage. Further, if the accused were 15 in number, they could have easily taken possession of the land or harvested the standing crops by making the complainant and her mother-in-law to leave the spot or atleast given the beatings to them. No such injury, whatsoever, was noticed on the complainant and her mother-in-law. On the other hand, on 13.10.2011, Raj Kumar accused had moved an application that Chawli Devi and her husband Yudhishter had come on a motorcycle and while passing near the fields, Chawli Devi had threatened to tear her clothes and level false allegations against the accused. The version of Raj Kumar accused was duly supported by DW11 Ramesh Kumar, who had accompanied him from village Ratta Khera to the agricultural fields where a Dhani was constructed.

According to the prosecution, one fired lead slug was

recovered from the spot. However, there is no material on the file to prove that the said slug matched with the weapons recovered from the accused. It may also be mentioned here that according to the prosecution, blood stained earth was lifted from the spot and taken into possession by the police. The said blood stains ought to be of animal origin as the firing had resulted into the calf being hit on its left foot. However, as per the report of the Forensic Science Laboratory, the blood stains were of human origin. Further, during the investigation of the case, accused/respondents No.3 to 6 were found innocent. The challan was presented only against accused/respondent No.2, i.e. Raj Kumar.

Admittedly, the complainant party and the accused party had several civil and criminal litigations between them, therefore, possibility cannot be ruled out that the applicant had come up with a false version.

In view of the above, the application is without any merit and, therefore, dismissed. Leave to appeal is declined.

	(T.P.S. MANN)	(HARI PAL VERMA)
	JUDGE	JUDGE
JULY 05, 2017		
satish		

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO