

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

**Crl. Revn. No. 764 of 2017
Date of decision : 16.03.2017**

Kiran

.....Petitioner

versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.P. Soi, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge is to the judgment dated 03.02.2017 passed by the learned Addl. Sessions Judge, Jalandhar, whereby accused-respondent Nos. 2 to 9 have been acquitted.

As per F.I.R, the allegations against respondent Nos. 2 to 9 are that when the petitioner along with her father and brother was having a cup of tea in dera premises, they entered into the dera premises and started beating the petitioner, her father and brother. They also took in their vehicle tractor trolley, her house hold articles i.e T.V, Fridge, Gold chain etc and Rs.30,000/- along with a bitch kept by her family. They further threatened to kill them.

The trial Court convicted Tarsem Singh @ Bali and Malkit Singh @ Jeeta. However, these accused preferred appeal and the complainant also preferred appeal against the impugned judgment.

The Lower Appellate Court acquitted the accused on the

grounds mentioned below:-

- (i) There was unexplained delay in registering of F.I.R, as the occurrence taken place on 11.04.2012 and F.I.R was registered on 13.04.2012.
- (ii) Further despite being fit, the complainant/injured failed to suffer statement qua occurrence on the same day.
- (iii) Further the complainant stated that she got recorded her statement on 12.04.2012 but no such statement of the complainant was on record. Thus, the statement of the complainant of this date, as relied upon by the prosecution is disowned by the complainant herself and this caused serious dent in the prosecution version.
- (iv) ASI Nirmal Singh has admitted during his cross examination that none of the injured had received serious injury to justify their x-ray examination and that the injured have intentionally refused to make statement on 11.04.2012. ASI further stated that Rajinder Singh is not in possession of the Ashram/dera and he is residing in a rental accommodation in the village.
- (v) Vijay Kumar/Injured in his cross examination also stated that the police got recorded his statement on the same day of the occurrence but there is no statement of the injury on file either of 11.04.2012 or 12.04.2012.
- (vi) There is material contradiction in the statement of the complainant/petitioners as she improved her version by saying that the accused persons took her in their vehicle tractor trolley along with household articles whereas the complainant has nowhere stated before the police during investigation that she was ever taken away by the accused on

the day of occurrence.

(vii) The statement of Rajinder Singh reveals that he has also improved his version by stating that accused took away his daughter along with them and that the people of locality gathered at the spot. During his cross examination, he deposed that he handed over documents of his ownership and possession over the dera to the police whereas on being confronted with the file, no such documents were found attached with the file.

(viii) Further D.W.1 has proved on record F.I.R No. 56 dated 26.07.2012 against Rajinder Singh and others and F.I.R No. 4 dated 21.01.2014 against Rajinder Singh. F.I.R No. 56 was recorded on the statement of Gian Singh with the allegations that accused tried to take forcibly possession of Dera.

(ix) Further P.W.6 Dr. Deepak Chander admitted that possibility of injuries on the person of injured being self suffered or with friendly hand cannot be ruled out.

Thus, once the prosecution has failed to prove even the possession of the complainant party over the dera in question, the accused have rightly been acquitted on the grounds mentioned above, by giving them the benefit of doubt.

There is no illegality or infirmity in the well reasoned judgment passed by the learned Addl. Sessions Judge, Jalandhar.

Accordingly, the present revision petition stands dismissed.

(RITU BAHRI)
JUDGE

16.03.2017
G Arora

Whether speaking/reasoned
Whether reportable

Yes
No