

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1328-DB-2014 (O&M)

Date of decision: 14.08.2018

Gurpal Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice A.B.Chaudhari
Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.R.S.Bains, Advocate for the appellant

1. *Whether Reporters of Local newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

This is an appeal against judgment dated 22.5.2014, passed by learned Additional Sessions Judge, Amritsar, vide which, accused-Surjit Singh was acquitted of the charges framed against him.

Gurpal Singh, Member Panchayat, village Muchhal has lodged a complaint 20.11.2012 with the police that his elder brother Surjit Singh-accused is employed in Punjab State Electricity Board as A.L.M. They are having a dispute with each other for the last one year. Earlier also, his brother sprayed some pesticide on his flower crop, regarding which, a complaint was lodged. On 17.11.2012, in the morning, when he had gone to Gurudwara Sahib, Surjit Singh followed him by taking *gandasi*. When he was reciting Gurbani, he tried to intimidate him. After coming from Gurudwara Sahib, accused Surjit Singh knocked the door of his house, knowing very well that his wife is alone in the house. On 18.11.2012 again

when he went to Gurudwara Sahib to pay obeisance, in his absence, Surjit Singh forcibly entered into his house and burnt the old wood and plastic pipes lying in the *Veranda* of his house by pouring kerosene oil on the same. He also hurled abuses to his wife and raised threats. His wife came to Gurudwara Sahib and informed him regarding the said incident.

We have gone through the impugned judgment.

Allegations by the complainant against his brother are that he put old wood and plastic pipes lying in *veranda* on fire by pouring kerosene oil. It is an admitted fact that the complainant and the accused are real brother and they are not at good relations. Gurpal Singh was not present when the occurrence took place.

Accused in the statement under Section 313 Cr.P.C. has taken a plea that the complainant has prepared a Will of his father's sister, against which, he has moved several applications to the police. Complainant belongs to ruling Akali Dal party and false FIR has been got registered against him.

Trial Court has noted that the complaint was moved after two days. Complainant clicked some photographs and photographs were produced before the police. According to the witnesses, some burnt items were reduced into ashes but no burnt article was taken into possession by the police. The trial Court also recorded findings that there is no eye witness of the occurrence. Except his wife and one Ajit Singh, nobody from the neighbourhood was examined. Statement of Ajit Singh to the effect that he was present in the house of the complainant, was disbelieved. Statement of Manjit Kaur wife of the complainant was inconsistent with the statement of Ajit Singh. After finding number of discrepancies, the trial Court came

to the conclusion that the case of the prosecution was not proved beyond all reasonable doubts.

After going through the discrepancies recorded by the trial Court, we are of the view that the trial Court has taken one of the two possible views. There is no illegality or infirmity in the impugned judgment. Hence, the present appeal is dismissed.

(A.B.Chaudhari)
Judge

(Kuldip Singh)
Judge

14.08.2018

gk

Whether speaking/ reasoned:	Yes
Whether Reportable:	No