

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

CRM-A NO. 1274 MA of 2018 (O&M)

Date of decision: 31.8.2018

Paramjit Singh

.. Applicant

vs

Satnam Singh and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Amit Rawal**

Present: Mr. Rohit Singla, Advocate for
Mr. Kawaljyot Singh, Advocate, for the applicant.

Rajesh Bindal, J.

The present application for leave to appeal has been filed by the complainant against the judgment of the of the court below whereby the accused persons have been acquitted of charges framed against them.

On the complaint filed by the applicant, FIR was registered under section 436, 427, 324, 323, 506, 511, 148, 149 IPC, at Police Station Lohian, District Jalandhar. After trial, all the accused were acquitted as the court below found that what ever injuries were suffered by the complainant, were in the course of bonafide exercise of private defence of the property by the accused.

The learned Court below has properly appreciated material on record. The dispute pertains to the possession of land measuring 13 kanals, 16 marlas purchased by Kulwinder Kaur wife of the complainant Paramjit Singh.

It was claimed that immediately after purchase, possession of the land was taken through the revenue officers, however, no record was produced in support thereof. The complainant while appearing as PW 2

could not even state as to before which authority application was filed for delivery of possession. It was claimed by the complainant that application was filed for demarcation of land and the report was handed over to the police, however, no such report is on file. He could not lead any evidence to prove that he was delivered possession by vendor Santokh Singh. On the other hand the accused, who have been acquitted, produced on record certified copy of the judgment dated 28.4.2014, whereby in appeal, suit for permanent injunction filed by them, was decreed and they were found to be in possession of the property. Decree was passed against Santokh Singh vendor of the wife of the complainant. In fact, the land was purchased by the wife of the complainant during the pendency of the litigation. The complainant has failed to produce any evidence in the form of statutory J-Form issued by the commission agent regarding sale of any agricultural produce grown on the land. Once the accused had established on record that they were in possession of the land and sown crop, the court found that the complainant party had tress-passed the land to harvest the crop sown by the accused and in the right to private defence of property certain injuries may have been caused.

In view of the aforesaid facts being on record, we do not find any error in the judgment of the learned Court below. The application for leave to appeal is declined.

(Rajesh Bindal)
Judge

31.8.2018
vs

(Amit Rawal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No