

CRM-A-985-MA of 2013

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

CRM-A-985-MA of 2013
Date of decision: 15.10.2018

Karamjit Singh

.....Applicant

versus

Dhanna Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. H.P.S. Ghuman, Advocate, for the applicant.
Mr. Varun Jain, Advocate, for respondent No.1.
Mr. Saurav Bhatia, Advocate,
for Mr. S.S. Ranghi, Advocate, for respondents No.2 and 3.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(4) Cr.P.C. prayer has been made by the complaint for grant of leave to appeal against judgment dated 09.10.2012 of the trial Court, acquitting the respondents.

Briefly, respondents were booked and tried in a complaint filed by the applicant under Sections 323, 341, 506, 379, 380, 452, 457, 427, 499, 120-B, 148 and 149 IPC, for the allegations that in the evening of 04.08.2006, respondents trespassing his premises, extended threat of dire consequences, gave beatings and also snatched Rs.2000/- from him. While going, respondents forcibly and illegally took away one quintal rice worth Rs.1400/- from his premises at gunpoint with the grudge of moving application for taking sapurdari of alleged stolen articles in Court, in case FIR No.7 dated 19.09.2006 registered under Section 3 of RP(UP) in Railway Police Force, Patiala, after his acquittal in the said case.

Learned counsel for the applicant *inter alia* contends that

impugned judgment of the trial Court is based on surmises and conjectures.

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Trial Court has erred in ignoring the statement of applicant duly corroborated by CW2 Manjit Singh. It also failed to appreciate that respondents had committed very serious crime of threatening applicant with dire consequences, giving beating and taking away his valuables, after trespassing his premises.

On the other hand, learned counsel for the respondents refuting the submissions of learned counsel for the applicant, pleading the legality and validity of the impugned judgment, urged that respondents were booked by the applicant vide aforesaid FIR No.7 dated 19.09.2006 for purchase and keeping in custody the articles, which were stolen from the premises of the Railway Department.

Having given thoughtful consideration to the submissions made by both the sides, this Court finds the instant application completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this application.

Applicant did not medico-legally examine himself for the alleged injuries caused to him by the respondents for the reasons best known to him.

Respondents had booked the applicant in discharge of their official duty without any ill-will or motive. It is altogether a different matter that the applicant has been acquitted on technical grounds.

Statement of applicant is contradictory to his allegations in the complaint against the respondents inasmuch as in his complaint Ex.P1, applicant alleged that the respondents trespassing into his commercial establishment had caused injuries to him with butt of their guns, but while appearing as CW1, he did not utter even a single word qua alleged causing of injuries by the respondents to him.

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According to the complainant, Manjit Singh had witnessed the occurrence, when respondents had beaten him up, gave butt blow and snatched Rs.2,000/-, but said Manjit Singh did not enter into the witness box to corroborate the version of the applicant. Therefore, bald statement of the applicant without any corroboration from any corner, has rightly been ignored and discarded by the trial Court.

Even otherwise, there is no *iota* of evidence that respondents had caused injuries to the applicant, inasmuch as applicant did not subject himself to medical examination from Government hospital.

Undisputedly, applicant had moved various complaints to Punjab Human Rights Commission; Home Department, Punjab, through Secretary; Senior Superintendent of Police; SHO Police Station, Tripari and SHO Police Station Railway Protection Force, Patiala, in which he never stated about the visit of his house by respondents No.2 and 3. Therefore, it is evident on the record that applicant has blown hot and cold at different point of time.

I have gone through the impugned judgment and find no illegality or perversity in the same.

Dismissed.

October 15, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No