

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2131-MA of 2016
Date of Decision : 25.07.2018

Pardeep Singh

...Applicant

Versus

Ajit Singh and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE M.M.S. BEDI*
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Digvijay Moudgil, Advocate for
 Mr. L.M. Gulati, Advocate for the applicant.

M.M.S. Bedi, J.(Oral)

This is an application for leave to appeal against acquittal of respondent No. 1-Ajit Singh in case FIR No. 43, dated 22.04.2005, under Sections 307, 324, 34 IPC, registered at Police Station Islamabad, District Amritsar vide judgment dated 11.08.2006 passed by the Additional Sessions Judge, Amritsar.

As per the case of the prosecution, registered at the instance of applicant-complainant/Pardeep Singh, accused/respondent No. 1-Ajit Singh along with his co-accused Lucky and Kewal Singh inflicted injuries on the person of the applicant-complainant in an attempt to kill him. So far as accused Lucky and Kewal are concerned, they being juvenile were tried by Juvenile Court and were convicted for having committed offence under Section 307 IPC.

Counsel for the applicant has contended that respondent

No. 1-Ajit Singh has wrongly been acquitted by the lower Court.

We have gone through judgment dated 11.08.2016 of the lower Court, which indicates that accused/respondent No. 1-Ajit Singh was found innocent and was not challaned by the police. His name was found mentioned in column No. 2 of the report filed under Section 173 Cr.P.C. but he was summoned as an additional accused under Section 319 Cr.P.C. on the basis of the statement of the applicant made before the Juvenile Justice Board. He being not a juvenile was tried by the Court of Additional Sessions Judge, Amritsar and has been acquitted on the ground that no specific overt act has been established against accused/respondent No. 1-Ajit Singh as he had neither inflicted any injury nor instigated or exhorted any of his co-accused to cause injury on the person of applicant-complainant/Pardeep Singh.

Counsel for the applicant has, vehemently, contended that accused-respondent No. 1/Ajit Singh has been attributed a role of catching hold of the applicant, which facilitated the injuries by his co-accused.

After going through the judgment of the lower Court as well as statements of Pardeep Singh PW-1 and Sukhdev Singh PW-2, we are of the opinion that the circumstances of the present case do not warrant conversion of order of acquittal into that of conviction on re-appreciation of the evidence. No ground is made out for interference in the order of acquittal, which is based on well reasoned observations of the lower court.

Application for leave to appeal is dismissed.

However, it is observed that dismissal of the present appeal against acquittal will not in any manner prejudice the rights of the applicant-complainant in any civil proceeding or any other proceeding pending before this Court or any other authority including the revenue authorities.

(M.M.S. BEDI)
JUDGE

July 25, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*