

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

**CRM-A-1548-MA-2017
Date of Decision: 29.08.2018**

Kurshad

.....Applicant.

Versus

State of Punjab and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Narinder Singh, Advocate, for the applicant.

T.P.S. Mann, J.

The complainant has filed the present application under Section 378(4) of the Code of Criminal Procedure, for grant of leave to appeal against the judgment dated 24.03.2017 passed by learned Additional Sessions Judge, Sangrur, whereby respondent Nos. 2 to 4, were acquitted of the charges under Sections 148, 341, 452, 325, 323, 120-B, 195, 203, 211, 182 read with Section 149 IPC

According to the prosecution, the complainant made statement to the police that on 07.03.2014 at about 10 a.m., the accused along with Sarajdin and 4/5 unknown persons started raising a wall in the Shamlat land situated in front of the house of Ranja Khan, which was being used by the complainant party for dumping cow dung. The complainant alongwith Ismail went to the spot but the accused started altercating with them. Out of fear, they returned to their house. When Safi Khan was proceeding towards the spot and had reached in front of the house of the accused, Suraj Khan and Kiru Khan caused injuries to him. The complainant alongwith others went forward to rescue Safi Khan. Sudagar Ali, Sima Khan, Gaus Khan, Sabar Ali and Wali Khan accused also trespassed into the house. Gaus Khan gave blow on his right hand and Sabar

Khan gave injuries on his forehead. During the quarrel, his clothes were torn. Sima Khan, Gani Khan and Niaz Khan reached the spot and caught hold of Sardar Ali @ Dar. Gani Khan, Niaz Khan, Kiru Khan, Suraj Khan and Wali Khan also caused injuries. All the accused entered the house of the complainant and hurled brick bats. Seeing people gathering, the accused fled away from the spot.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that in order to substantiate the charges against respondents No. 2 to 4, the prosecution had examined PW4- Kauri alias Muskan, but she deposed that she did not witness Rusma Khan at the spot. She also stated that her house was not situated adjoining to the house of Husna Begum. PW8-Taj Mohammed simply testified that he had witnessed Bali Mohammed and two others entering the house of Husna Begum but no injury was received by Gauns Mohd. PW10-ASI Arjan Singh, who was the Investigating Officer, conceded that Rusma Khan and Husna Begum were not found guilty during the investigation. Moreover, for the injuries suffered by Gauns Mohd., no DDR or FIR was lodged against the complainant party.

In view of the above, it cannot be said that the prosecution has been able to establish the charge against respondents No. 2 to 4. The application filed by the applicant is devoid of any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

29.08.2018
ds

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No