

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

**CRM No.A-553-MA of 2014 (O&M)**

**Date of decision: September 13, 2018**

Paramjit Kaur

...Applicant

Versus

Bharpur Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.R.K.Chaudhary, Advocate  
for the applicant.

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**INDERJIT SINGH, J.**

Applicant-Paramjit Kaur has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondents Bharpur Singh and Harnek Singh, challenging the judgment dated 21.02.2014 passed by learned Judicial Magistrate Ist Class, Nabha, whereby accused-respondents were acquitted.

It is mainly stated in the application that accompanying appeal is being filed which is likely to succeed on the grounds taken therein. It is, therefore, prayed that leave to appeal be granted.

As per the record, complainant Paramjit Kaur filed a complaint against accused Bharpur Singh and Harnek Singh under Sections 323, 324, 506, 341 and 34 IPC. The brief averments of the complaint as noted down in the judgment passed by learned JMJC, Nabha, are as under:-

*the complainant are that the complainant along with her husband reached Bhadson after attending the Court at Nabha and as per pre-plan accused persons way laid them. Accused NO.2 armed with stick and accused No.1 raised Lalkara and said that they should teach a lesson to her for taking a share of land from his parental property and accused No.1 caught hold her from her hairs and accused no.2 gave stick blow at her head and when she tried to escape herself from him and she turned her neck towards another side then he gave her another blow of stick on her neck and then complainant fell down on the ground and accused no.1 gave her blow of his leg on her chest and also be bite her on the left side of her waist. The matter was reported to the police but no action was taken by the police against the accused. Hence this complaint.”*

The accused were summoned under Sections 323, 506, 341 and 34 IPC. After pre-charge evidence, accused were charge-sheeted under Sections 341, 323 and 506 read with Section 34 IPC, to which they pleaded not guilty and claimed trial.

Learned JMIC, Nabha, after appreciating the evidence, acquitted the accused-respondents vide impugned judgment dated 21.02.2014.

Aggrieved from the above-said judgment, present appeal along with application for grant of leave to appeal has been filed.

Lower court record was requisitioned.

I have heard learned counsel for the applicant and have gone through the record.

From the perusal of the record, first of all, I find that the occurrence is stated to be of 11.06.2010 at about 1.30 p.m. but the complaint was filed on 17.07.2010 i.e. after more than one month and there is no explanation regarding this delay. Secondly, perusal of the complaint itself shows that neither there is wrongful restrain nor any threat was given

of any type. Qua offences under Sections 341 and 506 IPC, simply raising

*lalkara* at the time of occurrence, is not sufficient to prove the offence under Section 506 IPC. Furthermore, in the present case doctor has been examined. As per evidence on record, the doctor has found only two injuries on the person of complainant and both are simply complaint of pain and the doctor, in the cross-examination has stated that both the injuries alleged by the complainant were complaint of pain, and chances of these being false cannot be ruled out. Otherwise also, mere complaint of pain without any external injury is not an injury in the eyes of law.

Furthermore, learned trial Court minutely discussed the evidence of the witnesses and held that they have made material improvements in their statements. CW1 Harjinder Singh during his cross-examination, admitted that in his statement recorded on 02.11.2010, he did not disclose the names of accused persons, date, time and place of occurrence; weapon of offence; place of injury to the complainant; who caused alleged injuries to the complainant; the fact that on the spot of occurrence he along with complainant and her husband were talking to each other; the fact that the accused persons scuffled with the complainant; the fact of biting by the accused to the complainant; fleeing away of the accused persons on the motor cycle; visiting of complainant in the police station; etc. but these facts have been disclosed by him in his statement recorded in after charge evidence of the complainant. The trial Court held that such type of improvements were also there in the statements of CW-2 and CW-3.

The perusal of the findings given by learned Court below shows that these have been given as per evidence and law. In no way, the findings can be held as perverse or against the evidence and law. At the time

has been misread and which material evidence has not been considered by the Court below. Nothing has been pointed out as to how the findings are perverse or against the law and what illegality has been committed by learned Court below. The findings have been given by correctly appreciating the evidence in right perspective and accused-respondents have been rightly acquitted.

In view of the above discussion, I find that the impugned judgment dated 21.02.2014 passed by learned JMIC, Nabha, is correct, as per law and evidence and does not require any interference from this Court. No ground is made out for grant of leave to appeal and therefore, the present application stands dismissed.

**September 13, 2018**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**