

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 495 of 2017 (O&M)

Date of decision : 23.3.2018

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Jaspal Singh Karbanda

.....Petitioner

vs.

Puran Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Munish Raj, Advocate for
Mr. Navdeep Chhabra, Advocate
for the petitioner.

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H. S. Madaan, J.

Complainant Jaspal Singh Karbanda had brought a criminal complaint under Sections 323, 325, 506, 452, and 34 IPC against accused Puran Singh, Bhavneet Singh, Bittu and Gurcharan Singh, on the allegations that he has been residing in Kothi No. 3070, Sector 19-D, Chandigarh for the last 17-18 years as tenant under Puran Singh accused. The latter has been in occupation of ground floor of the house. According to the complainant he had been depositing the rent in the account of Bhavneet Singh s/o Puran Singh and on 18.5.2012, he had returned from his office and the time was 2

o'clock, when Puran Singh, his brother Bittu, his son Bhavneet and son-in-law Gurcharan Singh, were found to be there. The complainant went to the 1st floor of the house which has been in his occupation. He was followed by all those four persons. According to the complainant, he served water to them and started having a chat with them. Thereafter, Gurcharan Singh started arguing with the complainant and his father, using filthy language, Puran Singh also used foul language with them and then Puran Singh caught hold of the complainant from his hand, whereas Bittu pushed father of the complainant, then all the assailants started beating up the complainant, as a result of which he received injuries. Puran Singh had caught hold of the complainant from his hair after removing his turban, when the complainant raised an alarm to call the police, then the assailants gave him beatings. While leaving the spot, the assailants threatened him with dire consequences, after asking him to vacate the house, otherwise they would kill him. Thereafter the complainant called the police. The police arrived there and took the injured to Government Hospital, Sector 16, Chandigarh, where he was treated. According to the complainant, though the matter was reported to the police and FIR No. 103 dated 20.5.2012, for offences under Sections 323, 506, 34 IPC, was registered at Police Station Sector 19, Chandigarh, but offences under Sections 325 and 452 were also made out, which were deliberately not entered by the police officials necessitating the filing of the complaint.

During the preliminary evidence, complainant Jaspal Singh got his own statement recorded appearing as CW-1, repeating

on oath the averments made in the complaint. CW-2 Ms. Harleen Kaur, a neighbourer of the complainant supported his case on material points and CW-3 Jagtej Singh, son of the complainant, deposed that on 18.5.2012, at about 5.00 P.M. on coming to know that some persons have beaten up his father, he went to Government Hospital, Sector 16, Chandigarh, and saw that his father was in a very bad condition. He had taken photographs of his father, which are proved on record as Exhibits C-1 to C-14. CW-4 Dr. Ashish Chaudhary, who had medico legally examined the complainant deposed in that regard, proving MLR of the complainant, case history of the complainant, his opinion and patient file.

Thereafter evidence of complainant was closed.

After hearing the arguments, the trial Magistrate, vide order dated 11.8.2016 dismissed the complaint, mainly for the reason that CW-2 Harleen Kaur, had not seen any of the accused persons inflicting injuries on the person of the complainant and she had heard about the incident from her maid. Similarly, CW-3 Jagtej Singh, had also not witnessed the occurrence. As regards CW-4 Dr. Ashish Chaudhary, who had stated that as per his observations, injuries No. 1, 2 and 4 were declared simple and with regard to injuries No. 3 and 5 no opinion was brought on record. Further FIR regarding the incident had already been registered and parallel complaint proceedings could not be there. Thus finding no ground to summon the accused persons, the complaint was dismissed.

The complainant has filed the present revision petition, which has been filed belatedly by 61 days. An application under

Section 5 of the Limitation Act for condonation of delay has been filed for the reason that much time was consumed in collecting the necessary documents.

I do not find the reasoning given to be plausible or convincing. Therefore, the petition is liable to be dismissed being time barred.

On merits also, I find that the order passed is well reasoned one, proper interpretation of law it is certainly not perverse or passed in violation of settled principles of criminal justice. No interference, to exercise revisional jurisdiction. Dismissed.

23.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No