

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2213-SB-2015(O&M)

Date of Order:22.05.2019

Hardam Singh and others

..Appellants

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S.Ahluwalia, Advocate
for the appellants.

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

Learned counsel for the appellants has been heard at length.

Learned counsel does not dispute that the findings recorded in paragraph 24 of the judgment are factually correct, which are extracted as under:-

24. This case is registered on the application of five complainants namely Dial Singh Nambardar, Hardam Singh, Balwinder Singh, Shamsher Singh Sarpanch and Shamsher Singh Panch of village Jalajan and this application is Ex.PA and is dated 16.12.2010. this application was moved before Senior Superintendent of Police on 16.12.2010 and same was marked for enquiry to Incharge Women Cell, Khanna. Perusal of Ex.PA reveals that allegations of uttering objectionable words against the caste of applicants were levelled against un-

identified person. The allegations against the present accused in this application Ex.PA are that she threatened to the complainants and there is no allegation in this application that the accused Jagjit Kaur herself uttered objectionable words against the caste of complainants. Both the parties came to the women cell to settle the matrimonial dispute of Satwinder Kaur with her husband Amrik Singh and other members of in-laws family. So, prior to the occurrence there was no preplanning or pre-mediation to insult or humiliate the complainant party. The occurrence has taken place at the spur of moment when the efforts were being made to sort out the dispute between Satwinder Kaur and her in-laws family. So, there is no evidence that there was common intention between said unidentified person and the present accused Jagjit Kaur to humiliate the complainants. The said unidentified person was not identified during the investigation of this case. It has come in the cross-examination of witness Shamsher Singh who is examined as PW-1 that in the application it is mentioned that un-identified person uttered caste remarks against them. After 16.12.2010 when this application was moved, he never visited the office of Ins. Parveen Sharma and Ins. Parveen Sharma, Incharge of Women Cell never called him for investigation. So, as per this cross-examination this material witness was

never joined by Ins. Parveen Sharma for conducting enquiry on application Ex.PA. It has come in the cross-examination of other witness Hardam Singh that application Ex.PA regarding the registration of this case was got typed on 16.12.2010 from the court complex Khanna and at that time no police official was present there. It has also come during the cross-examination of Balwinder Singh who is examined as PW-4 that Ex.PA was got scribed by 6 persons including him and he has seen the application Ex.PA where there is no mention that accused Jagjit Kaur @ Jaggi have spoken bad words against any person or caste. Similarly the witness Harbans Singh has also admitted during cross-examination that in Ex.PA it is not mentioned that objectional words were uttered by Jagjit Kaur @ Jaggi. Similarly, the witness Shamsher Singh Ex.Sarpanch of village Jalajan during cross-examination has stated that Ex.PA was moved to SSP, Khanna for registration of the case and it is not mentioned in the application Ex.PA that Jagjit Kaur @ Jaggi used or uttered bad words against the caste of any person and this application was got scribed from court complex Khanna and statement of all the witnesses were recorded on the same day by the police.”

Learned counsel, however, submits that the statement of the complainants before the police as well as in the Court are consistent and

supported by an independent evidence. However, once in the original complaint, the derogatory words which are alleged to have been used are attributed to unknown person, there is no ground to interfere. Scope of interference in appeal against acquittal is very limited.

Hence, there is no ground to grant relief.

Dismissed.

May 22, 2019
nt

(ANIL KSHETARPAL)
JUDGE

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