

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1471-MA-2018 (O & M)
Date of decision: 15.10.2019

Sukhdev Singh

.... Applicant

V/s

State of Punjab and ors.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Gaurav Kalsi, Advocate,
for Mr. H.S. Batth, Advocate,
for the applicant.

RAJAN GUPTA, J. (Oral)

This is an application by the complainant under Section 378(4) Cr.P.C. seeking special leave to appeal against the judgment dated 03.01.2018 passed by Judicial Magistrate Ist Class, Patti. It appears that a case was registered on the complaint of Sukhdev Singh. He alleged that he was in joint ownership of land with accused No.2-Kulwant Singh and had purchased another piece of land from Tasbir Singh over which he was in cultivating possession. Accused had implicated him in a case under Section 420 IPC. On 26.02.2014 at about 10.30 P.M., the complainant alongwith his brother-in-law had come to his house. At that time, the accused (respondents No.2 to 5 herein) reached there and raised a *lalkara*. They gave various injuries to the complainant. In support of his case, he examined three witnesses. After recording preliminary evidence, the accused were summoned to face trial. During the trial, Jaspreet Singh-doctor appeared as CW-1 and was cross-examined whereby he deposed that a possibility of injuries No.1 to 6 have been caused by friendly hand could

recorded wherein accused pleaded their innocence and stated that they had been falsely implicated. In defence, only accused No.2-Kulwant Singh himself appeared as DW-1 and pleaded *alibi*. According to them on 26.02.2014 they were invited to attend a ceremony. They had gone to attend the said function. The invitation card and photographs of their presence there were also produced. In fact, the complaint in question was lodged at Gurdaspur. FIR No.291 had been lodged by accused (respondents No.2 to 5 herein).

On analysis of the entire material on record, the trial court came to the conclusion that there were contradictions in the version of the complainant where evidence could not inspire confidence, thus, it acquitted the accused. We do not find any ground to interfere in the well-reasoned order passed by the court below. The application for special leave to appeal is, thus, hereby dismissed. As we have examined the case on merits as well, we find there is no merit in the appeal.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

October 15, 2019
sukhpreet

Whether speaking/reasoned	: Yes
Whether reportable	: No