

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1933-MA of 2017 (O&M)
Date of Decision: 13.12.2019

Jaspal Kaur

.....Applicant

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: - Mr. Jaspreet Saini, Advocate
for the applicant.

HARNARESH SINGH GILL, J.

The applicant has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 27.4.2017 passed by learned Additional Sessions Judge, Rupnagar vide which the judgment of conviction and order of sentence dated 22.12.2016 passed by the learned Judicial Magistrate Ist Class, Rupnagar were set aside and respondents No. 2 and 3 were acquitted of the charges framed against them.

On the complaint of Jaspal Kaur, FIR No. 75 dated 15.7.2014 under Sections 341, 323, 325 read with Section 34 IPC was registered at Police Station Bhagwantpur wherein she stated that on 10.7.2014, there was a quarrel between her neighbour Harnetar Singh and his son in which she had sustained injuries.

After completion of investigation and necessary formalities, challan was presented against the accused.

Charges were framed against the accused under Sections 325,

323, 341 and 34 IPC to which they pleaded not guilty and claimed trial.

In order to prove its case, prosecution had examined as many as five witnesses.

In the statement recorded under Section 313 Cr.P.C., the accused denied the prosecution case and pleaded false implication.

Trial Court after considering the evidence on record and the version of PW-4 Dr. Vijander Singh, vide judgment of conviction and order of sentence dated 22.12.2016, convicted and sentenced respondents No. 2 and 3 under Sections 325, 323, 341, 34 IPC.

Aggrieved against the said judgment and order, respondents No. 2 and 3 preferred an appeal which was accepted by the lower Appellate Court and vide judgment dated 27.4.2017 they were acquitted of the charges levelled against them. Hence, the present application under Section 378 (4) Cr.P.C. for grant of special leave to appeal.

I have heard the learned counsel for the applicants.

The lower Appellate Court while acquitting respondents No. 2 and 3 has drawn the conclusion that there was no evidence on record that the applicant/complainant had received injury at the hands of respondents No. 2 and 3 even though it has been proved on record that applicant-Jaspal Kaur had suffered fracture on ulna bone as per medical record.

There was an injury on the person of applicant which was not denied by respondents No. 2 and 3 but the same was inflicted by her son Mandeep Singh. DW-1 Atma Singh had stated that he was present in the shop of one Chaman Lal on 10.7.2014 when he had heard noise from the house of the applicant as there was fight between the mother and son. To rebut the same, Mandeep Singh has not been examined. Even PW-1 Jaspal Kaur-applicant has not explained any reason of inflicting injuries on her

person, as inflicted in the street.

Learned counsel for the applicant, although made sincere attempt, however, failed to draw attention of the Court to any substantive error or perversity. Still further, the reasons which have been extracted above, appear to be probable and plausible. Hence, this Court is not inclined to interfere with the judgment of acquittal passed by the Appellate Court.

From the above, I do not find any ground to grant special leave to appeal. Therefore, finding no merit in the present application, the same is dismissed. Special leave to appeal is declined.

(HARNARESH SINGH GILL)
JUDGE

December 13, 2019

Gurpreet

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No