

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CRM-A-210-MA-2017(O&M)
Date of Order:13.11.2019

OM PARKASH

..Appellant

Versus

STATE OF HARYANA & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J.

Special leave to appeal has been sought against the judgment of acquittal.

Learned court of Sessions after appreciating the evidence has recorded the following reasons to hold that the prosecution has failed to substantiate its case:-

- (i) *At the time of occurrence dated 5.2.2010, complainant Om Parkash, was an employee of Indian Railway Department and he was not entitled for the allotment of any plot under Mahatma Gandhi Awas Yojna, meant for the people living below poverty line. Further more, in the year 1982-83, one plot has already been allotted to the complainant.*
- (ii) *The prosecution of accused is result of political rivalry between PW2 Udey Singh- Sarpanch and accused Baldev, because accused Baldev, contested the elections for the post of Sarpanch against PW2 Udey Singh. He has used the complainant against the accused to settle his political dispute.*
- (iii) *The prosecution has not proved on the record that the*

Government of Haryana, has actually launched any scheme for the allotment of plots under Mahatma Gandhi Awas Yojna.

- (iv) No Government official was examined by the prosecution to substantiate the incident dated 5.12.2010. Even, no complaint was lodged by any Government officer that accused persons obstructed them from performing their official duties on 5.12.2010.*
- (v) In his complaint Ex.P4, complainant Om Parkash, submitted that the occurrence took place on 5.12.2010 in the presence of SDO, Panchayat Department, Gram Sachiv and village Chowkidar, but these persons have not been examined by him to substantiate his version.*
- (vi) The complainant has not examined his own family member i.e. his wife and children to prove the incident dated 24.3.2012.*
- (vii) Applications Ex.P1 to Ex.P3, remained unproved on the record as no government official has been examined by the complainant to prove these documents.*
- (viii) The applications Ex.P1 to Ex.P3, complaint Ex.P4 and statements made by PW1 Om Parkash and PW2 Udey Singh, Sarpanch, in the Court are at variance. Therefore, same can not be relied upon to sustain the conviction against the accused persons.*
- (ix) The complainant has not placed on the record his MLR and MLR of any of his family members to prove the fact that on 24.3.2012, accused persons actually entered into his house and caused injuries to them.*

Learned counsel appearing for the appellant-complainant, although, made sincere attempt, however failed to draw attention of the court to any perversity or substantive error for appreciation of evidence.

Learned court of Session has taken a reasonable and probable view and

drawn the conclusion on the basis of evidence led.

Hence, leave to appeal is declined.

November 13, 2019

(ANIL KSHETARPAL)

nt

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No