

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-A-963-MA-2018 (O&M)
Decided on : 15.11.2019

Tarlok Singh

..... Appellant

Versus

State of Punjab & ors.

..... Respondents

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

Present : Mr. M.S.Dua, Advocate for
Mr. Parvez Chugh, Advocate
for the appellant.

Rajan Gupta, J.(Oral)

Present application has been filed against the judgment delivered by the trial Court on 11.08.2016 acquitting all the accused. It has been urged that trial court had ignored the reliable evidence led by the prosecution and also did not take into consideration the evidence of PW-5 retired Sub Inspector Chander Mohan, who deposed regarding the recovery of the articles and the site plan of the recovery. A complaint was lodged by victim Tarlok Singh alleging that on the intervening night of 15th/16th of August 2013 at midnight at about 1.00 am, he heard a sound and saw that the accused namely Pinder Singh, Giani Singh, Jagroop Singh @ Roop, Manpreet Singh @ Monu, Satkar Singh and Mewa Singh had stolen his generator set, two electric motors, one fan and loaded them in one vehicle bearing No.PB-10ED-(Temp2013) 2825. He raised an alarm due to which all the accused fled away from the spot. The trial court found the version of the complainant unbelievable as he remained quite for four days after the alleged incident. No plausible explanation has come forth on delay

in reporting the matter to the police. It is difficult to believe that the complainant in the midnight at about 1.00 am was able to recognize all the accused, who were stated to have trespassed in his house.

Otherwise also, we have gone through the merits of the case and find no ground for interference in the impugned judgment.

Accordingly, the present application stands dismissed. As the main application has been dismissed, no order is required to be passed in the application seeking condonation of delay of 489 days in filing the appeal.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

15.11.2019

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