

CRM-A-899-MA-2017

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

CRM-A-899-MA-2017
Date of Decision: 07.12.2019

Ranjit Singh

... Applicant

Versus

Satnam Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Arora, Advocate,
for the applicant.

HARNARESH SINGH GILL, J.

This is an application under Section 378(4) of the Code of Criminal Procedure for grant of special leave to appeal against the judgment dated 16.02.2017 passed by the learned Judicial Magistrate Ist Class, Batala, in a complaint filed under Sections 436, 435, 452, 323, 148 and 149 IPC, vide which the respondents have been acquitted of the charges framed against them.

Applicant-complainant, Ranjit Singh filed a complaint against the respondents that on 20.06.2014 at about 10.00 a.m, they criminally trespassed into his tubewell and they all were armed with *dangs* and inflicted injuries to him and his son. Thereafter, on the intervening night of 20/21.06.2014 at about 12.30 a.m, they set his truck ablaze, which was parked near the tubewell room.

After taking into consideration the evidence on record, the following point for determination in the case was carved out by

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the trial Court:

“(i) *Whether accused, in prosecution of common object have committed criminal trespass into the tubewell room and caused injuries on the person of Jatinder Singh on 20.06.2014 at about 10.00 A.M. after forming unlawful assembly.*”

The trial Court after taking into consideration the arguments raised by the counsel for the respective parties, acquitted the respondents-accused of the offences punishable under Sections 452, 323, 148 and 149 IPC by giving the benefit of doubt.

Aggrieved of the judgment of acquittal of the respondents, the applicant has preferred the present application seeking special leave to appeal.

I have heard learned counsel for the applicant and with his able assistance, have gone through the judgment of the trial Court.

Learned counsel for the applicant has argued that earlier, the matter had been reported to the police and FIR No.51 dated 23.06.2014, under Section 436 IPC, had been registered, but the police had not recorded the actual version and had cancelled that FIR. Thereafter, the present complaint had been filed. Moreover, a civil dispute was also pending between the parties and to pressurize the applicant, all the respondents with common intention had trespassed into the tubewell and inflicted injuries to him and his son.

Learned counsel has further argued that later, the accused had put the truck of the complainant on fire, which was

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parked near the tubewell room. CW 4 Dr.Jaspal Kaur, who conducted the medico-legal examination of Jatinder Singh, had proved five injuries on his person.

I am not convinced with the arguments raised by the learned counsel for the applicant. There is no doubt that a civil dispute is pending between the parties, but the witnesses of the applicant had deposed contrary to the story presented by him before the trial Court.

Since there is no cogent and direct evidence against the respondents-accused, the trial Court has rightly acquitted the respondents of the charges framed against them by giving the benefit of doubt.

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

07.12.2019
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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