

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

**CRM-24889-2017 in/and
CRM-A-1732-MA-2017**

DECIDED ON:25th July, 2022

Surinder Singh

**.....APPLICANT-APPELLANT
VERSUS**

Harjinder Singh and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Deepak Aggarwal, Advocate for applicant-appellant.

AVNEESH JHINGAN, J (ORAL)

This is an application seeking leave to appeal against the order dated 25th November, 2016, whereby the complaint of the applicant under Sections 336, 506, 504, 307, 34 IPC and under Sections 25, 27 of Arms Act, 1959 registered at Police Station Dialpura, was dismissed.

The facts in brief are that Surinder Singh-applicant filed a complaint alleging that on 28th September, 2013, at about 6:30 p.m. he had gone to dairy for supplying milk where Baljit Singh was also standing. At that time accused-Harjinder Singh, Jaskaran Singh and Lachhman Singh, came there, they abused the complainant. Accused-Lachhman Singh armed with *Kasia* raised it towards the complainant and Harjinder Singh went to bring his *rifle*. The complainant fled the spot due to fear. The accused followed him and fired two shots from *rifle*. Three shots were fired in front of the house of the complainant. The incident was informed to Panchayat. FIR No. 125 dated 29.9.2013, under Section 27 of Arms Act, and under Sections 336, 506, 34 IPC was registered.

The applicant to support the allegations himself deposed and examined Baljit Singh, Kewal Singh and HC Darshan Singh. The trial Court found the witnesses to be the interested witnesses and the allegations motivated by political rivalry. Applicant failed to examine any of the Panchayat member *inspite of* the fact that the incident was duly informed to Panchayat. Finding no *prima-facie* evidence substantiating the incident, the complaint was dismissed.

Learned counsel for the applicant submits that the applicant was attacked, five shots were fired, yet the complaint has been dismissed.

On a specific query by the Court about the out come in FIR, it is informed that cancellation report was filed on 18th July, 2014.

The complainant miserably failed to produce reliable evidence to support the allegations of attack upon him. Coupled with the fact that no case of cognizable offence was found while investigating the FIR. No case is made out for interference in the impugned order.

The petition is dismissed.

Since the main case has been *dismissed*, the pending application regarding condonation of delay is accordingly disposed of.

25th July, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>