

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

**CRM-A-1918-MA-2017
Date of Decision : 06.09.2022**

Naresh Kumar

..... Applicant

Versus

Ajit Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.P.Sharma, Advocate
for the applicant.

PANKAJ JAIN , J(ORAL)

This is a petition seeking leave to file appeal against the impugned judgment dated 27.07.2017, passed by the Judicial Magistrate Ist Class, Kanina whereby, while dismissing the complaint of the applicant, respondents No.1 to 3 have been acquitted.

The applicant-complainant filed a complaint against respondents No.1 to 3 alleging therein as under:-

“ That complainant is permanent resident of village Mandola, Tehsil & District Rewari, PS Khol and is agriculturist by profession; that on 19.03.2013 at around 3:00 PM some labour was working upon the farm/well of Narender and they had given their consent to work with the complainant Naresh; that when all the accused came on the farm/well of Narender they started alluring the labour by offering more labour amount; that when the complainant forbid them to do so and told them that they had already consented to work with him then they started hue and cry; that the accused had already come with preparation of altercation; that Ajit accused No.1 hit

complainant by stick, accused No.1 Raj Karan hit on the back of complainant and accused No.3 Ishwar hit the right hand of complainant; that accused also shouted that they would teach him a lesson and would also kill him for not allowing them to take the labour; that Narender and Brijlal rescued him from the clutches of accused; that complainant was taken to General Hospital Narnaul who after medically examining him conducted X-ray on 21.03.2013; that the concerned police officials took the statement of the complainant but having colluded with the accused only gave false assurance for taking action and did not take action. They instead lodged a false and frivolous case against the complainant and others bearing FIR No.89 dated 03.04.2013 under Section 323 & 506 read with Section 34 IPC; that despite several requests they did not take any action. Hence, this complaint.”

The trial Court after considering the evidence on record observed as under:-

“It is clear that the present complainant is facing trial in another state case so filed by accused No.1 Ajit. It is also clear that son of witness Brijlal is also facing trial in State case. It is also clear that one Narender is also facing trial in State case who allegedly rescued the present complainant. The presence of accused Rajkaran is doubtful whereas the presence of Ajit and Ishwar is well proved. However, as far as the injuries so alleged to be sustained by the complainant are concerned the time gap of one day in conducting medical examination, time gap and one month in lodging the complaint upon statement of complainant cast clouds upon the story of complainant regarding the fact that he sustained numerous injury in the hands of all the accused. As already discussed the accused Ajit got a FIR registered against the present complainant and one Narender along-with other accused including son of witness Brijlal in which they are facing trial for allegedly causing simple as well as grievous injury to Ajit.

The present complaint only appears to be counter blast to save themselves from the re-precaution of state case. The injuries are not such a level that to indicate that there would have been a free fight between the complainant Naresh and Ajit. The complainant may have sustained injuries but these only appear to be caused by accused No.1 Ajit in self-defence and accused Ajit is the sufferer who suffered grievous injuries in the form of fracture on right tibia below knee joint. Thus any evidence upon file is available against the accused to hold them guilty under Section 323 IPC read with Section 34 IPC and by giving benefit of doubt they are liable to be acquitted.”

In view of aforesaid, this Court is of the considered opinion that from the allegations levelled in the complaint, no offence under Sections 323, 325, 506, 34 IPC is made out against respondents No.1 to 3 and thus, no fault can be found with the findings recorded by the trial Court.

Consequently, the instant application stands dismissed.

06.09.2022
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No