

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

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**CRA-S-249-SB-2015
Date of decision : 14.12.2023**

Gurmail Singh

..... Appellant

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.S. Sidhu, Advocate
for the appellant.

Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Complainant is in appeal directed against the judgment of acquittal dated 15.09.2014 passed by Special Judge, Bathinda. The FIR is based upon panchayat resolution dated 08.05.2011 which has been reproduced in judgment as under:-

“Today on 8.5.2011 Special Meeting of the Panchayat was convened under Presidentship of Gurmail Singh Sarpanch at 11.30 am and the Resolution No.1 was presented by Gurmail Singh Sarpanch. This Resolution was to the effect that on that day Panchayat Secretary has not come present due to some urgent work. The powers to record the proceedings are delegated to Iqbal Singh Panch. The Gram Panchayat received grant from Punjab Govt. for brick lining of streets/drains. As per Govt. instructions, the grant was to be the utilized at the earliest. The work for brick lane and brick lining of streets as as well drain was in progress. Kulwinder Singh, Bhupinder Singh alias Nadua, Bhupinder

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Singh alias Bhinda sons of Ajaib Singh stopped the work. Labour informed this fact to the Gram Panchayat. It was alleged that these persons have created obstruction in the Panchayat work. Sarpanch Gurmail Singh, Panchayat and other respectables visited the street. Sarpanch summoned the aforesaid persons and asked them to allow Panchayat work. But these persons started threatening the Gram Panchayat and respectables. They also used insulting words to Gurmail Singh and did not allow work. Hence, the Gram Panchayat moved this resolution. Copy of the resolution was ordered to be sent to Incharge Police Post for action against the aforesaid persons as per rules.”

2. It was claimed that investigation was conducted by a Gazetted Officer. Challan was presented. Upon analysing the evidence threadbare, the trial Court found that the crux of the allegation in the resolution was that the while work of the construction of streets and draining was in progress, the accused stopped the work. After Sarpanch visited the spot to get the work re-started, he was attributed unparliamentary words regarding caste and the work was not allowed. The Court found that though PW-2 and PW-3 supported the complainant, but the words revealed by them are totally different from the words which were revealed by the complainant. Thus, the Court found that there was dent casted on the case of prosecution and the benefit thereof must go to the accused.

3. Counsel for the petitioner has not been able to point out as to how the view of the trial Court can be said to be improbable, more so when admittedly the alleged eye witnesses i.e. PW-2 and PW-3 have not

supported the same words as are being revealed by the complainant himself.

4. Keeping in view the aforesaid facts, the present appeal is dismissed.

(PANKAJ JAIN)
JUDGE

14.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No