

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1022-MA-2017 (O&M)
Date of Decision: December 20, 2023

SARABJIT SINGH

.....Applicant-Appellant

Versus

RACHAN SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

CRM-15169-2017

The present application filed under Section 5 of Limitation Act seeking condonation of delay of 14 days in filing the appeal is allowed for the reasons mentioned therein.

Delay of 14 days in filing the appeal is condoned.

CRM-A-1022-MA-2017

1. The instant application under Section 378(4) CrPC is preferred against the order of acquittal dated 18.02.2017 passed by learned Additional Chief Judicial Magistrate, Gurdaspur in criminal complaint no.120 of 2011 dated 22.09.2011 filed under Sections 452, 323, 324, 506, 500, 148, 149 IPC whereby present respondents no. 1 to 3 have been acquitted.

2. The facts, in brief, are that on 09.09.2011 the wife of applicant-appellant went to her plot where five accused including the present respondents no. 1 to 3 beat her and she was found lying unconscious. On coming to know about the incident, the applicant-appellant rushed to the

spot of the incident and found that all the five accused were working near the said plot. On seeing him, respondent no.2 shouted that since his wife had already been taught a lesson, it was his turn now. Thereupon, respondent no.1 gave a brick blow on the head of applicant-appellant, another accused gave a blow with an iron rod on his right eye-brow while respondent no.3 held him from his hair and threw him on the ground. Thereafter, another accused gave a blow with reverse side of a spade on his back. When the applicant-appellant raised an alarm, PW Sukhwinder Kaur and various other people rushed to the spot and saved him. Then the applicant-appellant and his wife were rushed to Civil Hospital, Gurdaspur where they were medico-legally examined. The whole matter was reported to the police but due to political pressure no action was taken. Motive behind the occurrence is that all five accused want possession of the plot of applicant-appellant which is adjoining their plot. The accused persons illegally trespassed onto his plot and caused injuries to the applicant-appellant and his wife after hatching a criminal conspiracy with common object and with an intention to cause hurt.

3. Having heard the learned counsel for the petitioner and after perusing the record with his able assistance, it is clear that after diligent appreciation of the complete evidence on record, the learned trial Court has correctly observed that as per the settled law a person cannot be convicted on the statement of single witness/injured even if the same is wholly reliable and trustworthy while in the present case even there were contradictory statements of the petitioner/complainant and his witnesses.

Since, neither the allegations against respondents no.1 to 3 nor the point of

determination were proved by the petitioner, they could not be convicted on statements of unreliable witnesses.

4. In view of the facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

(HARPREET SINGH BRAR)
JUDGE

20.12.2023
Ajay Goswami

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