

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28249-2018

Date of Decision:-01.03.2023

Satpal Singh.

.....Petitioner.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Baljinder Singh, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of order dated 04.01.2016 (Annexure P-1) passed by the SDJM Gulha whereby the complaint filed by the petitioner under Sections 323, 359, 362, 364, 367, 506 IPC and Section 3(x)(xv) of SC/ST Act has been dismissed and the order dated 25.01.2018 (Annexure P-2) passed by the Additional Sessions Judge, Kaithal whereby the revision petition preferred by the petitioner has also been dismissed.

2. The brief facts of the case are that land measuring 2 acre 7 kanal 11 marla entered in Rect. No.28, Killa No.16 (8-0), 24/1(7-4), 21/2(0-7), 25(8-0) was in the ownership of Gram Panchayat Khambehera, which had been taken on lease by the petitioner/complainant (hereinafter known as the petitioner) from the Gram Panchayat for the year 2010-11 for a sum of Rs.46000/- and the entire lease money had been paid to the Gram

Panchayat. On 3.8.2010 the petitioner came to the land for irrigating the same with a hired tractor of Harbans Singh. When Harbans Singh started irrigating the land, then after some times, the accused/respondents, namely, Nazar Singh, Ranjodh Singh, and other accused came to the land and gave injuries to Harbans Singh. After hearing their noise, the father of Harbans Singh namely Amrik Singh and uncle Jeet Singh came at the spot and seeing them all the accused ran away from the spot alongwith their weapons and while going away, they issued a threat to them. Thereafter Amrik Singh and Jeet Singh, father and uncle of Harbans Singh took Harbans Singh to Samana Hospital where he was medico-legally examined. Harbans Singh narrated the entire incident to the police and got recorded his statement with the police. However despite assurance, the police did not take any action against the accused, so Harbans Singh got lodged a complaint in the court of SDJM, Guhla. On 10.08.2010 when the petitioner was watering the fields of Baljinder Singh being his servant, all the accused namely Amar Singh, Raghbir Singh, Amrik Singh, Jinder Singh, Rimpa, Dhara Singh, Nazar Singh, Ranjodh Singh with their common intention, having weapons with them came to the fields of Baljinder Singh and stated that a compromise be effected in the case which was filed by the petitioner and Harbans Singh. They also asked the complainant party to hand over the possession of the land which had been taken on lease or to leave the village. The petitioner is stated to have refused the offer of the accused due to which all the accused became angry and used filthy and abusive language and uttered caste related words to the petitioner and threatened to teach him a lesson for not handing over the possession to them. Thereafter as per allegations accused Amar Singh (Respondent no.2) gave straight lathi blow on the petitioner which hit

on his stomach, accused Nazar Singh (Respondent no.8) and Ranjodh Singh (respondent no.9) gave a straight lathi blow on the back of the complainant and all the accused gave beatings to the petitioner with slaps, fists and kick blows and dragged him on the ground. In the meantime Baljinder Singh came in the fields and tried to rescue the petitioner, but all the accused threatened him that if he intervenes between them, then they would kill him too. Then with the intention to kill the petitioner, they took him into a room made in the fields and locked him there and uttered filthy and abusive language at him and used caste related words. The accused said that till the petitioner and Harbans Singh did not make statements as regards the case filed by them in the court, they would keep him there and would burn him. Balwinder Singh came to the house due to fear and alongwith the father of the petitioner and Ramesh went to P.S. Guhla and narrated the entire incident. The petitioner is stated to have been got released by his father, Baljinder Singh and Ramesh with the help of the police from the room of the accused. The petitioner had got recorded his statement before the police, but the police had not read over the said statement and had taken his signatures on the same. Thereafter the petitioner was taken to Govt. Hospital, Guhla by his father and one Ramesh Singh where he was medico-legally examined and was referred to Kaithal for X-Ray examination. Thereafter it came to the notice of the petitioner that the police had not got recorded his full statement and proceedings under Section 107/151 Cr.PC were initiated by the police in collusion with the accused persons. The petitioner requested the police to register a complaint case against the accused. However, they refused to take action against the accused, because of which the complaint came to be filed.

3. Thereafter the witnesses of the occurrence namely Baljinder Singh was examined as CW-1, Ramesh Singh as CW-2, Prem Singh as CW-3 and Satpal-complainant/petitioner as CW-5. Constable Rajbir Singh was examined as CW-4 who produced the summoned record of roznamcha bearing DDR No.10 dated 26.08.2010 and proved its photocopy as Ex.CW-4/A. Dr. Gaurav Garg, Medical Officer, CHC Guhla was examined as CW-6 who tendered his affidavit Ex.CW-6/A and deposed that he had medico-legally examined Satpal Singh-petitioner on 10.08.2010. He also proved on record his MLR as Ex.CW-6/B.

4. Based on the evidence led, SDJM, Guhla dismissed the complaint vide order dated 4.01.2016 (Annexure P-1).

5. Against the aforesaid order criminal revision no.34 of 2016 was preferred and the court of Additional Sessions Judge, Kaithal dismissed the same vide order dated 25.01.2018.

6. The aforementioned orders are under challenge before this Court.

7. The Counsel for the petitioner contends that the lower Courts have wrongly discarded the oral as well as documentary evidence produced by the petitioner. From the evidence a *prima facie* case was made out for summoning the accused for having committed the offence in question. The Courts have, therefore, not considered the evidence of the petitioner and witnesses properly. It is thus his contention that since the injuries had been well proved by Dr. Gaurav Garg, CW-6 the private respondents ought to be summoned to face the Trial.

8. I have heard counsel for the petitioner and have perused the record.

9. A perusal of the record would reveal that the injury no.1 & 2 on the person of Satpal Singh (petitioner) are complaints of pains/stiffness in neck. There is no external signs or symptoms of any injury. Injury no.3 is stated to be contusions, 02 in number. It does not stand to reason that 10 persons caused only the injuries as mentioned. Even otherwise, the injuries could also be self suffered. In addition, it would be pointed out that Jit Singh who is stated to have accompanied injured at the time of his medico-legal examination has not been examined by the complainant in preliminary evidence. This also falsifies the case of the complainant. It appears that a civil dispute between the parties has been converted to a criminal dispute.
10. As per the record the occurrence took place on 10.08.2010. However, a DDR No.10 Ex.CW-4/A came to be registered only on 26.08.2010 after a delay of 16 days. Further the instant complaint came to be filed on 11.10.2010. Thus the delay in filing firstly, the DDR and thereafter the instant private complaint makes the case of the petitioner doubtful.
11. In view of the above discussion, the allegations levelled in the complaint seems to be false and fabricated and therefore, no fault can be found with the well reasoned judgments of the SDJM, Guhla and Additional Sessions Judge, Kaithal.
12. Resultantly, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

March, 01, 2023
Vinay

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