

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

CRR-3906-2012

Date of decision : 27.02.2023

Baljit Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

Mr. Sanish Girdhar, A.A.G., Punjab.

Mr. M.L. Saggar, Sr. Advocate with
Mr. Arman Saggar, Advocate and Mr. Rohit Joshi, Advocate
for respondent No.5.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is assailing judgment dated 16.08.2012 passed by the Sessions Judge, Ludhiana as well as the judgment dated 16.01.2007 passed by the Learned JMIC, wherein respondent-accused was acquitted of the charges framed against them under Sections 324, 326 & 341 of the IPC.

Learned counsel appearing for the petitioner has inter alia submitted that despite the case of the prosecution having been fully proved by way of ocular as well as medical evidence, the Courts below erred in acquitting the respondent-accused on the basis of the plea of private defence taken by them. In fact no specific plea of right of self defence was taken by the respondent-accused and, hence, it was evident that it was an afterthought, which fact had erroneously been ignored by the

Courts below.

Per contra, learned counsel appearing for the respondent-accused has vehemently argued that the well reasoned impugned judgments did not warrant any interference. It has been submitted that admittedly even as per the pleaded case of the complainant there was some dispute between the parties, with respect to their lands. The occurrence had taken place in the fields of the accused. It was the complainant party who alongwith more than 200 persons aggressed into the fields of the accused to take forcible possession of the land, which was admittedly in the possession of the accused party. On seeing such a large number of persons, the accused party tried to escape the wrath of the aggressors. While they were escaping on their tractor, the complainant fell down on the implement which was attached to it and received injuries. Learned counsel has further argued that even otherwise on appreciation of the evidence led in its entirety, it left no manner of doubt, that since the occurrence in question had taken place in the fields of the complainant party and hence, even assuming for the sake of arguments, that the accused party had inflicted some injury on the person of the complainant, they were well within their right to protect not only their property but their person also.

I have heard learned counsel for the parties and perused the material on record.

Admittedly, the fields in which the occurrence in question took place was in the cultivating possession of the accused party. It is also a matter of record that there were civil litigations pending between the parties pertaining to demarcation of the land. Admittedly, it is the

complainant party who alongwith as many 200-250 persons went to the land in question for taking its possession, while the accused were working in the fields. In this background, the complainant party had no right to aggress into the land in question for taking its possession when as admitted by PW-2 Baldev Singh himself, the accused party had been in possession of the land for almost 14-15 years and the complainant party had gone for taking forcible possession of the land along with about 200-250 persons.

In the circumstances, the accused party were within their legal right to defend themselves as well as their property. If in the course of defending themselves, some injuries were caused to the complainant, the accused party could not be labelled as aggressors or even having exceeded their right of self defence. Even, if the accused did not take a specific plea of self defence, it would not adversely affect their plea of self defence in the light of the evidence on record.

As a sequel to the above, this Court does not find any merit in the instant petition.

The present revision petition accordingly stands dismissed being devoid of any merit.

27.02.2023
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(MANJARI NEHRU KAUL)
JUDGE

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