

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-2984-2015
Date of Decision: 03.08.2023

Jarnail Singh

...Petitioner

Vs.

Sukhdev Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lovish Arora, Advocate
for the petitioner.

Mr. Karan Bansal, Advocate for
Mr. Achin Gupta, Advocate
for respondents No. 1 to 8.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred by the petitioner against the impugned judgment dated 04.05.2015 passed by the Court of Additional Sessions Judge, Faridkot and the impugned judgment dated 19.10.2012 passed by the Court of Judicial Magistrate 1st Class, Faridkot, whereby, the respondents were ordered to be acquitted.

2. The FIR in the present case was registered on the basis of the inquiry reports submitted by the SHO, Police Station Jaitu, which was conducted on the basis of two applications dated 29.04.2006 and 02.05.2006, which was annexed as Annexures P-1 and P-2 with the

petition under Section 482 Cr.P.C. filed by the petitioner before this Court. Annexure P1 was addressed to SHO, Police Station Jaitu against accused Gurbax Singh son of Bhag Singh, Sukhdev Singh son of Gurbax Singh, Jaswinder Singh and Kulwinder Singh, both sons of Sukhdev Singh, Surjit Singh father-in-law of Sukhdev Singh, Tara Singh relative of Sukhdev Singh and son of Tara Singh, Gurjant Singh son of Roor Singh, Paramjit Kaur wife of Sukhdev Singh, two daughters-in-law of Sukhdev Singh, one sister-in-law of Sukhdev Singh namely Guddi, one other lady and 8/10 more unknown persons alleging that Jarnail Singh had sown wheat crop in 6 acres of his land in village Okand Wala. Out of this land, a dispute is going on between him and accused Gurbax Singh in respect of 5 acres of land since the year 1964 and he is in possession of the said land since then. One acre of land is under his absolute ownership and possession. All the aforesaid persons at about 07.30 a.m., came to his afore-said land with combine, when he, his wife and two other persons were harvesting the wheat crop. They were armed with sharp edged weapon like Gandasas, swords, etc. Sukhdev Singh was having double barrel gun and ladies were having sickles in their hands. They gave threats to kill them and thus made them to flee from the spot after snatching their sickles. They had also taken away the wheat produce weighing about 259 “Mann” in three trolleys and stems of harvested wheat plants (Taangar) standing in the fields, which was

required by them for making chaff. In the meanwhile, the police reached at the spot and accused became successful in fleeing away from the spot. It was also alleged that on 16.04.2005 and 25.04.2006, he had also informed the police about this dispute.

3. In the second application Annexure P-2 dated 02.05.2006 addressed to S.S.P., Faridkot under Section 154(3) Cr.P.C. to direct the police at Police Jaitu, to register a case under Section 390/379 IPC etc. against Gurbax Singh etc. mentioned in the application Annexure P-1 by Jarnail Singh alleging that he was in possession of 5 acres of land bearing Khasra No. 694, 695, 696 and 697 situated in village Okand Wala, Police Station Jaitu regarding which litigation was also pending in Civil Courts between him and accused Gurbax Singh. He was also owning one acre of land adjoining to Khasra No. 692 and 693. He had sown wheat crop in the said land and same was to be harvesting by him on 16.04.2006, but said Gurbax Singh etc. threatened him with a dire consequences. Thereafter, he intimated the police station regarding the interference of Gurbax Singh etc. and to provide police help. On 25.04.2006, he again informed the police regarding the conspiracy of Gurbax Singh etc. not to allow him to harvest the crop and to commit a robbery of the same, but police did not take any action. Consequently, all the accused persons on 29.04.2006 at about 07.30 a.m., came to his fields armed with deadly weapons, formed unlawful assembly with common intention to

forcibly harvest his crop with the help of a big combine and two tractor trolleys and thereafter the same was taken away by them. The said instance was witnessed by Jarnail Singh, his wife and two other persons, who forced the retreat of accused from the land and save the possession of Jarnail Singh. However, the accused took away some harvested crop of Jarnail Singh alongwith other crop forcibly harvested by them under the threat of killing them in case of any hindrance is made to their alleged act. It was further alleged that Jarnail Singh has informed the police in writing about the aforesaid incident, but the application was marked to SI Darshan Singh instead of registering an FIR against the accused. The S.S.P., Faridkot directed the SHO P.S. Jaitu to register an FIR against the accused on the basis of injury report submitted by him, which was further endorsed by DSP, Kotkapura.

4. Learned counsel for the petitioner submits that both the Courts had clearly overlooked the evidence led by the prosecution and wrongly acquitted the respondents. In fact, the prosecution had proved the case against the accused by leading sufficient evidence. Even, the petitioner had appeared as PW1 and his testimony was duly supported by the statements of PW7 Nachattar Singh and PW8 Harwinder Kaur. Both the said witnesses had corroborated the testimonies of PW1 Jarnail Singh and the respondents were liable to be convicted by this Court.

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

6. As per the case of the petitioner/complainant himself, a civil litigation was already pending between both the parties. As per the petitioner, the respondents had got the entries in the revenue records changed by colluding with the revenue authorities. Even, the accused/respondents were shown to be armed with deadly weapons, but no recovery was made from them. Apart from that, the petitioner could not lead sufficient evidence to show that he was in possession of the land, whereas, from Ex.D3 and Ex.D4, i.e. report of possession dated 27.05.2004, it had been duly proved on record that the possession was not with the petitioner and the entire dispute was subject matter of challenge in civil proceedings. Apart from that, the appellate Court was justified in observing that some wooden logs were recovered from the possession of Sukhdev Singh respondent/accused, however, there was no specific marks identified on the side wooden logs and in absence of the same, it was difficult to connect the same with the alleged crime. Apart from that, even the trial Court had discussed the evidence in detail and recorded the detailed reasons, while acquitting the respondents.

7. Keeping in view the above noted discussion, this Court is of the considered view that there is no merit in the present petition and the same is ordered to be dismissed.

- 8. Pending application(s), if any, is also disposed off.
- 9. Case property, if any, be dealt with, and, destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.

03.08.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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