

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

**CRR No.2199 of 2017
Date of Decision: 13.02.2023**

Jaswinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kulbhushan Soi, Advocate
for the petitioner.

Mr. Jaiteshwar Singh Bhandari, AAG, Punjab.

GURBIR SINGH J. (ORAL)

The present petition has been filed against the judgment dated 21.01.2017 passed by the learned Additional Sessions Judge, Ferozepur upholding the impugned judgment dated 07.08.2010 passed by the learned Judicial Magistrate, Ist Class, Ferozepur, whereby respondents No.2 to 8 were acquitted in complaint under Sections 452, 392, 386, 342, 500, 506, 148, 149 of IPC.

Learned counsel for the petitioner has submitted that the learned trial Court had failed to appreciate oral as well as documentary evidence. The complainant himself appeared in the witness box and deposed as PW-6 and fully proved the version mentioned in the complaint. His statement was corroborated by other witnesses. Even respondents No.5 to 9 were not summoned by the learned trial Court. A revision was filed, which was dismissed. The petition under Section 482 Cr.P.C. was filed. The said petition was accepted vide order dated 07.08.2010 and respondents No.5 to 9 were ordered to be summoned in this case.

Respondents, namely Jagir Singh and Harvinder Singh, who are employees of the State, did not appear despite issuance of summons/warrants and ultimately proclamation was issued and they were declared proclaimed offender.

The police without any search warrant searched the house of the complainant and took away the articles lying there. The arrest of the complainant was stayed and complainant also showed copy of the order staying his arrest to the investigating officer but in violation of the said order, he was put in the jeep and brought to Ludhiana. The accused apprehended son of the petitioner at Ludhiana and snatched Rs.10,000/- and gold ring from him. They had given various applications to higher police authorities but to no effect. Judgment passed by the learned trial Court is against law and liable to be dismissed.

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

Vide judgment dated 07.08.2010, accused No.1, 3, 4, 6, 8 and 9 were acquitted. Proceedings against Tarsem Singh, accused No.2 stood abated as he had died. Accused/respondents No.5, namely, Jagir Singh and 7, namely, Harvinder Singh, were declared proclaimed offender.

Learned JMIC, Ferozepur came to the conclusion that it was an admitted fact that FIR No.58, dated 08.07.1996, under Sections 406, 498-A of IPC was registered against the complainant, his wife and his son. A raid was conducted by the police. The complainant, his wife and son were arrested in the said case. As per version of the complainant, the arrest was stayed vide order dated 10.07.1996 but complainant failed to

show the said order to the raiding party. From the evidence on the file, it is not proved that complainant was in possession of order of grant of anticipatory bail and he had not produced the same before the raiding party. The said order was also not shown to the Magistrate before whom the complainant was produced had he been possession of order of stay of arrest thus, same would have been produced in the Court of learned Judicial Magistrate.

Learned trial Court came to the conclusion that they were lawfully arrested. There was delay of 7 ½ months in filing the complaint, which remained unexplained. The FIR under Sections 406, 498-A IPC was registered against the complainant, his wife and son, so there was motive on the part of the complainant to involve the accused in litigation as a counter blast. Learned Appellate Court dismissed the appeal.

Learned counsel for the petitioner has failed to show if there was evidence to prove that order of grant of stay was in possession of the petitioner and was shown to the police or to the Court, when he was produced in the Court after arrest. Had he been in possession of the same, then, it would have been shown to the Court.

In the judgment passed by the learned Appellate Court, it is specifically submitted that petitioner and his wife made disclosure statement and in pursuance of the same that they got recovered certain articles, so said articles which was recovered by the police could not said to have been stolen by the police official. There is no illegality in the concurrent finding recorded by the learned trial Court and learned Appellant Court. The Revisional Court can interfere only to the order is

illegal, perverse or improper.

In view of the above, I do not find any illegality or infirmity in the impugned order. Consequently, the present petition stands dismissed.

13.02.2023

rittu

(GURBIR SINGH)
JUDGE

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