

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-858-2013 (O&M)

Date of Order: 19.07.2023

GULSHAN KUMAR

.Appellant

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Dhawan, Advocate, for the appellant.
Ms. Vibha Tewari, AAG, Haryana
Mr. Deepak Girotra, Advocate, for respondent no.4

ANIL KSHETARPAL, J

C.M.No.2348-C-2013

1. For the reasons stated in the application which is supported by an affidavit, the delay of 22 days in re-filing the appeal is condoned.

C.M.No.2349-C-2013

2. Allowed as prayed for.

MAIN

3. The correctness of the findings of fact arrived at by the First Appellate Court is sought to be assailed by the plaintiff in this appeal. He filed a suit for recovery of Rs.40,000/- as compensation on the premise that the defendant no.3 and 4 (the police officials) opened his history sheet on 25.03.1985, though in FIR No.618 of 1984, he was discharged by the court. The history sheet opened against the petitioner was closed on 10.05.1987. The suit was filed in the year 2005. Though the trial court decreed the suit, however, the First Appellate Court on re-appreciation of the evidence reversed the judgment of the trial court.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the appellant submits that at the time of opening of the history sheet, there was only one case against the petitioner and hence the same could not be opened.

6. On the other hand, the learned counsel representing the respondent no.4 submits that as many as 29 FIRs came to be registered against the appellant and there were more than 60 complaints against him. He submits that the police officials on the basis of reliable information, though, opened the history sheet with respect to the appellant, but subsequently closed within a period of 2 years.

7. This court has considered the submissions of the learned counsels representing the parties.

8. The learned counsel representing the appellant has been called upon to explain the manner in which the appellant has suffered damages. He has failed to draw the attention of the court to any evidence to this effect. Moreover, the history sheet was closed in the year 1987, whereas the suit was filed in the year 2005. Further, the registration of as many as 29 FIRs and the apprehension of the police that the appellant was involved in anti Sikh riots which took place on the death of Prime Minister of the country cannot be said to be totally baseless.

9. In such circumstances, the First Appellate Court on preponderance of probabilities has formed an opinion which does not require interference.

10. Dismissed.

11. All the pending miscellaneous applications, if any, are also disposed of.

July 19, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO