

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-A-2307-MA-2016
Date of decision: 22.08.2023

Baldev Singh

.....Applicant/Appellant

Versus

Balbir Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunit Agnihotri, Advocate
for the applicant/appellant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The applicant/appellant/complainant (hereinafter referred to as 'the complainant') is impugning the judgment and order dated 20.10.2016 passed by learned Sub Divisional Judicial Magistrate, Dasuya, District Hoshiarpur whereby the respondent was acquitted of the charges framed under Sections 427, 430, 506 of the IPC in Criminal Complaint bearing CIS No.251/2013 titled as 'Baldev Singh Vs. Balwant Singh and others'.

2. As per allegations levelled in the complaint in question, with the aid of Department of Solid Conservation, Dasuya, the complainant got 200 pipes laid in a land which was jointly owned by him and accused Balwant Singh. Subsequently, a partition took place between the complainant and the accused of the jointly owned land in the year 2004. After the partition, the pipes were deliberately broken and damaged by the accused on 19.12.2011, with the help of a JCB Machine. Besides damaging the pipes, the accused also extended threats to the complainant, when the latter tried to stop them from

damaging the pipes.

3. The Court below, on the basis of evidence and other material led, acquitted the accused for commission of offences under Sections 427, 430 and 506 of the IPC by holding that there were glaring gaps in the version brought forth by the complainant.

4. Learned counsel appearing for the complainant has reiterated the allegations levelled in the complaint in question by asserting that the accused had caused extensive damage to his property besides extending grave threats to him. He has submitted that the Trial Court had fallen into error by not appreciating that on account of the damage caused by the accused, the complainant had incurred huge monetary losses. It has also been submitted that the Trial Court ignored the deposition of two eye witnesses CW-2 Surjit Kaur and CW-3 Joginder Singh, even though they had supported the case of the complainant.

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

6. A perusal of the impugned judgment as well as the evidence led before the Trial Court reveals that it was the case of the complainant himself that it was one of the departments of the government, which was responsible for laying pipes and furthermore, the pipes had been laid by the concerned department. However, not even a single witness from the concerned department stepped into the witness box, in support of the pleaded case of the complainant. In addition, it had also been claimed by the complainant that he was in possession of an approved site plan, however, yet again his claim was

not supported by any evidence much less documentary. Furthermore, the complainant had stated that he had raised a loan from the department to procure the aforementioned pipes; however, yet again no evidence was led in support thereof. Though it was also contended by the complainant that the pipes had been purchased from Jalandhar, however, yet again no evidence in the said regard, much less any purchase bills, were brought on record. No doubt, learned counsel for the complainant vehemently urged that the Court below had ignored the deposition of CW-2 Surjit Kaur and CW-3 Joginder Singh, however, it is a matter of record that when CW-3 Joginder Singh stepped into the witness box, he was completely clueless as to when the occurrence in question had taken place. Furthermore, a perusal of the testimony of CW-2 Surjit Kaur reveals that it was also at complete variance with the pleaded case of the complainant. The least complainant could have done was to examine at least one of those witnesses, who as per him, was present at the spot when the accused persons damaged his pipes and committed the offence in question which admittedly, however, was not done.

7. As a sequel to the above, this Court does not find any merit in the instant leave to appeal which stands dismissed accordingly.

22.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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