



which she became unconscious. When she regained conscious, she found herself in custody of Suratgarh police. She was beaten up by police and told that she is Neelam wife of Minder, an accused required in case bearing no.400/2021 under Sections 3, 4, 5, 6 PITA Act. Police told her that she will be produced before the Court and they threatened not to disclose her real identity as Neelam wife of Subhash before the Judge. It is alleged that due to this threat, she did not reveal her real identity when she was produced before the Judge. It is alleged that accused persons knowingly implicated her as Neelam wife of Minder in aforesaid case at Suratgarh despite the fact that they were aware about her real identity as Neelam @ Gian Kaur wife of Subhash. It is stated that she was acquitted by Suratgarh Court vide judgment dated 04.04 2014 on the ground that she was not wife of Minder Singh. Thus, she prayed that action be taken against the accused.

3. Having heard learned counsel for the applicant and after perusing the record with his able assistance, it is evident that complainant had failed to prove the guilt of the accused persons i.e. respondents beyond the shadow of reasonable doubt. It is claimed by the complainant that she was acquitted by learned JMFC, Suratgarh on the ground that she is not Neelam wife of Minder Singh, which is not correct as she faced trial at Suratgarh and was acquitted on the basis of merits. Furthermore, complainant's claim being wife of Minder Singh is false and bogus as in her bail application dated 01.11.2013 and *vakalatnama*, she projected herself as Neelam wife of Minder Singh. Moreover, in the cross-examination of the witnesses, no question related to her real identity was asked and the complainant has not presented or proved any identity card issued by the Government or competent authority showing her identity as Neelam wife of Subhash. As far as the allegations of abduction are



concerned, those are not at all proved as she was arrested by Suratgarh police on 30.10.2013, which is also clear from investigation report filed by the police and after her arrest on 30.10.2013, she was admittedly produced before learned JMFC, Suratgarh on 31.10.2013, where she did not allege anything about her abduction by the respondents/accused rather she filed her bail application showing herself as Neelam wife of Minder Singh and delay of more than 07 months in filing the present complaint has also not been explained. As such, these contentions cannot be considered to be aiding the prosecution case in any manner.

4. Moreover, the power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (*See H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. State of Karnataka, (2007) 4 SCC 415*). A Division bench of this Court in the judgment passed in *State of Haryana Vs. Ankit and others* CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the above discussion, this Court finds that learned counsel for the applicant/complainant has failed to point out any perversity or illegality in findings recorded by the learned Court below which warrants any

interference. As such, there is no merit in the present application. Accordingly, leave to appeal is denied and the present application stands dismissed.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 27, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |