

CRM-M-27629-2022 (O & M) 2025:PHHC:098038



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(278)

CRM-M-27629-2022 (O & M)
Date of decision:30.07.2025

Bal Singh

..... Petitioner(s)

V/s

Karambir Singh, ASI and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saurabh Garg, Advocate, for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the impugned order dated 03.02.2018 passed by the Judicial Magistrate Ist Class, Kaithal in complaint case No.RBT 35 of 2017 (CIS No.COMI-248 of 2014) under Sections 323, 341, 342, 352, 426, 120-B and 506 IPC and Section 3 of SC & ST Act whereby the complaint of the petitioner has been dismissed with further prayer for quashing the order dated 09.12.2021 passed by the Additional Sessions Judge, Kaithal (Annexure P-4) whereby the revision against the order dated 03.02.2018 has also been dismissed.

2. The brief facts of the case of the complainant are that the complainant-petitioner belongs to Schedule Caste Community and the



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accused/respondents No. 1 to 5 belongs to upper Caste. The salary of the complainant was not paid. Hence, a case under Section 15 of the Payment of Wages Act, 1936 was filed by the complainant, which was pending before the authority under the Payment of Wages Act, Kaithal since 2011 and accused No. 3 was impleaded as a respondent in that case. On 17.09.2014, at about 2.30 p.m the complainant was on duty at Water Tank No. 2 at Village Sanch. Accused No. 1 to 5 after hatching a criminal conspiracy came at the spot in a Jeep (Tata Sumo) of the Public Health Department. Accused No. 3 to 5 forcibly snatched the keys of the water tank room from the complainant and also snatched the attendance register maintained at Water Tank and tore the same and destroyed the relevant piece of evidence in the case of payment of wages. In the meantime, the witnesses, namely, Bhag Singh, s/o Hira Singh, Joginder s/o Shiv Kumar, Ram Kumar s/o Dhan Singh and Karam Singh s/o Amar Singh all residents of Village Sanch, came to the spot and witnessed the entire incident. All the accused knew that the complainant belongs to Scheduled Caste (Chamar) Community and the accused No.3/Dinesh Gaba shouted "*Sale ded ke bache ko jeep me dalkar le chalo or itne joot maro ki tube-well ke pass bhi na jaye*". In this way the accused uttered caste related words to the complainant in public with a view to harm his dignity in the eyes of public to lower down his image. On asking of accused No.3, accused No.4 to 5 slapped the complainant. Accused No.1 caught hold of the complainant from his hair and accused No.2 gave kick blows on his back. Accused No. 1 and 2 hurled filthy abuses to the



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complainant and also used criminal force against him. Accused No.1 by putting his hand between the legs of the complainant forcibly threw him inside the jeep of accused No.3 and witness Karam Singh clicked a photograph of the incident in which the accused assaulted the complainant. All the accused forcibly and illegally confined and restrained the complainant in the official Tata Sumo of Public Health Department and under pressure got the signatures of the complainant obtained on some blank papers. Witness Bhag Singh along with a few respectables came to the Police Station Pundri and told the accused that they could not keep the complainant in illegal custody, on which the accused No.1 and 2 took Bhag Singh in custody. The complainant and Bhag Singh were produced before the Court and released on bail. The complainant got himself medically examined at General Hospital, Kaithal, on 19.09.2014 and thereafter, he approached the Superintendent of Police, Kaithal, and requested him to take action against accused persons but no action was taken. The complainant was illegally arrested in utter disregard of the directions given by the Hon'ble Supreme Court vide criminal Appeal No.1277 of 2014 titled 'Armesh Kumar Vs. State of Haryana and another'. It was prayed that the accused persons were liable to be summoned for having committed the offences punishable, under sections 323/341/342/352/426/120-B/506 of Indian Penal Code and Section 3 of Scheduled Caste and Scheduled Tribes Act.



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3. In support of his case, complainant examined eight witnesses, namely, CW-1/ Joginder, CW-2/Ram Kumar, CW-3/Karam Singh, CW-4/Pawan Kumar, CW-5/Dr. Satyapal, CW-6/Yudhvir Singh, CW-7/Bal Singh and CW-8/Bhag Singh.

4. Besides oral evidence, the complainant placed reliance upon the following documents:

Sr. No.	Exhibits	Nature of document
1.	Ex.CA	Scheduled Caste Certificate
2.	Ex.CB	Letter
3.	Ex.CC	Receipt
4.	Ex.CD	OPD Card
5.	Ex.CE	Challan
6.	Ex.CF	Copy of statement of Dinesh Gaba
7.	Ex.CG	Copy of statement of Satbir Tanwar
8.	Ex.CW4/A	Attested copy of amended application
9.	Ex.CW5/B	MLR of Bal Singh
10.	Ex.CW3/A, Ex.CW6/A, Ex.CW6/B and Ex.CW6/C	Photographs

5. Based on the evidence led, the complaint came to be dismissed vide order dated 03.02.2018 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Kaithal.

6. The revision petition filed against the aforesaid order dated 03.02.2018 came to be dismissed by the Court of the Additional Sessions Judge, Kaithal vide order dated 09.12.2021 (Annexure P-4).



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7. The aforementioned orders (Annexures P-2 and P-4) are under challenge before this Court.

8. The learned counsel for the petitioner contends that the Courts below have committed a grave error in disbelieving the allegations and dismissing the complaint on the ground that the accused-respondent were public officials and have erroneously assumed that the complaint had been filed by the petitioner to put pressure upon the accused. Merely because the complainant was having a strained relationship with the respondents on the ground that FIR No.245 dated 17.09.2014 under Sections 353/186/506 IPC, Police Station Sundri had been registered by the respondents against the petitioner would be of little importance as the petitioner was acquitted in the said case. The findings of the Trial Court that there is only a complaint of pain by the complainant in the MLR and no corresponding injuries on the body of the petitioner and hence it considered the medical evidence to be contrary to the ocular account cannot be accepted. He, thus, contends that the impugned judgments are liable to be set aside and the respondents be summoned to face Trial.

9. I have heard the learned counsel for the petitioner.

10. The version of the complainant does not inspire confidence enough to summon the accused for having committed the alleged offences. The complainant has failed to establish a *prima facie* case against the accused. The complainant alleged that on 17.09.2014, at about 2:30, P.M. when he was working at water tank No.2 at village Sanch, all the accused



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came there and snatched the keys of the room of water tank from him and tore the attendance register. The accused No.2 uttered caste based remarks to him in order to lower down his position in the eyes of public and the accused No.4 and 5 gave fist and slaps blows on his face. The accused No.1 and 2 abused him with filthy language and forcibly threw him inside the Jeep of accused No.3 to 5 and thereafter, confined him illegally in police custody. The complainant got his MLR conducted on 19.09.2014 and moved a complaint against the accused persons before the Superintendent of Police, Kaithal but no action, was taken. The complainant has alleged that the said incident was witnessed by Bhag Singh, Joginder, Ram Kumar and Karam Singh and Karam Singh also clicked photographs of the said illegal act in his mobile phone.

11. In order to prove his case, the complainant examined eight witnesses. CW-I/Joginder appeared in the witness box and stated on oath that on 17.09.2014, at about 2:30 PM. the accused No.1 to 5 came at water tank No.2 and snatched the keys of the water tank from the complainant complainant and torn the attendance register. He along with Bhag Singh, Ram Kumar and Karam Singh reached, at the spot and heard accused Dinesh Gaba uttering Caste based words to the complainant in presence of the other accused and thereafter, accused Satbir and Bal Singh gave fists and slap blows on the face of the complainant and accused Parveen gave a kick blow on his back. The accused No.1 & 2 hurled filthy language on the complainant and they forcibly put the complainant into the Jeep and Karam



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Singh took photographs of the incident. They tried to stop the accused persons but the accused threatened them for false implication in a criminal case.

12. CW-2/Ram Karan and CW-3/Karam Singh also supported the version of CW-1/Joginder Singh. The complainant himself appeared in the witness box as CW-7 and reiterated the facts of the complaint. The father of the complainant appeared as CW-8 and also supported the version of the complainant. CW-4/Pawan Kumar, Clerk appeared and proved the certified copy of petition Ex.CW4/A and CW-5/Dr. Satyapal appeared and proved the MLR of complainant Ex.CW5/B.

13. The version of the complainant does not inspire confidence to summon the accused in the present complaint. The complainant has moved the present complaint against all the public officers. The accused No.1 and 2 are serving in the Haryana Police and accused No.3 to 5 are the employees of Public Welfare Department. From the facts and circumstances of the case, it appears that the complainant has moved the present complaint merely to put pressure upon the accused persons. Admittedly, the complainant had filed a petition under Section 15 of Payment of Wages Act, in which the accused No.3 i.e. Dinesh Gaba, Sub Divisional Engineer, PWD was impleaded as a respondent. The copy of the application filed before the authority appointed under Minimum Wages Act Ex.CW4/A makes it clear that there was a dispute between the complainant and the accused No.3 regarding wages.



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14. Further the complainant placed on record, a copy of FIR No.245 dated 17.09.2014. A perusal of the same reveals that the said FIR was got registered by Dinesh Gaba, Sub Divisional Engineer PWD(accused No.3 in the present complaint) against the complainant Bal Singh under Sections 353/186 and 506 of Indian Penal Code. The name of the Investigating Officer of that case was Karambir Singh, who is arrayed as accused No.1 in the present complaint. As per the content of the FIR, Dinesh Gaba had got a complaint registered in the Police Station regarding illegal possession made by Bal Singh (complainant in the present complaint) over the water tank No.2 at village Sanch. The information was given to Dinesh Gaba by the Sarpanch of the village. When Dinesh Gaba reached at the water tank no.2 along with the police on 17.09.2014 and asked Bal Singh to open the lock of the water tank room, Bal Singh called his father Bhag Singh, Joginder, Ram Kumar and Dhan Singh and started to fight with him and also obstructed the public officers in discharging their official duties and further gave threat for life to Dinesh Gaba. Bal Singh was arrested by the police and was produced before the Court on 18.09.2014, from where he was released on ball. From the contents of the said FIR, it becomes clear that an FIR was already registered against the complainant Bal Singh on the complaint of accused No.3/Dinesh Gaba and the accused No.1/Karambir Singh, was, the Investigating Officer of that case. The police arrested the accused on 17.09.2014 from water tank no.2 at village Sanch for being in illegal possession of the water tank room and for fighting with the police and



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public officials and obstructing them in discharging their public duties and also for giving them threat of life.

15. From the above facts, it is apparent that there already were strained relationships between the parties. The complainant placed on record photograph Ex.CW3/A by which he wanted to prove that the accused No.1 and 2 had forcibly put him inside the Jeep. However, the complainant is nowhere seen in the photograph. Even if the version of the complainant is believed, on the same day an FIR under Sections 353, 186 and 506 of Indian Penal Code was already registered against the complainant and when the complainant tried to create hindrance in discharge of the public duties of the accused No.1 to 5 and also gave them threat for life, the accused no.1 and 2 being police officials arrested the complainant. The complainant placed on record a copy of his MLR Ex.CW5/B and a perusal of the same reveals that the complainant had sustained two injuries. However, he had no mark of injury on his upper lips and lower back. If the accused had given fist and slap blows on the face of the complainant and the complainant alleged that he had pain over the upper lip then certainly, there would have been some corresponding injury on the lips. However, no such injury was found on his skin, gum or Teeth. Neither did he have any mark of injury on his back. The medical evidence of the complainant is not corroborating with his ocular version. Moreover, there is a delay in conducting of the MLE as the incident had taken place on 17.09.2014, whereas the MLE was conducted on 19.09.2014. The complainant had alleged that he had given a complaint to



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the Superintendent of Police, Kaithal for taking legal action against the accused persons, however no such complaint was placed on the case file.

16. The relationships between the complainant and the accused were already strained. The complainant had filed a petition under Section 15 of Payment and Wages Act, against the accused No.3 and the accused No.3 had got registered an FIR No.245 against the complainant-Bal Singh and in the said FIR the complainant was arrested on 17.09.2014. From the facts and circumstances of the complaint, it appears that the complainant filed the present complaint on false grounds merely to put pressure upon the accused persons.

17. In view of the aforementioned discussion, I do not find any infirmity in the impugned order dated 03.02.2018 passed by the Judicial Magistrate Ist Class, Kaithal (Annexure P-2) and the order dated 09.12.2021 passed by the Additional Sessions Judge, Kaithal (Annexure P-4). Resultantly, the present petition stands dismissed.

18. The pending application(s), if any, shall stand disposed of accordingly.

30 July 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No