



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

CRR-2794-2018

Date of decision: 09.01.2025

KULBIR SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lavinder Kumar, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 05.06.2015 passed by learned Judicial Magistrate Ist Class, Dera Bassi as well as impugned judgment dated 11.04.2018 passed by learned Additional Sessions Judge, SAS Nagar, Mohali, whereby respondent Nos.2 to 6 have been acquitted by both the Courts below.

2. The prosecution version is that on 20.05.2012, HC Jatinder Pal alongwith the police party was present for routine checking in village Joula Khurd, near the chowk, where Kulvir Singh and Gurmail Singh met him and Kulvir Singh suffered the statement to him to the effect that he is an agriculturist. His father has three brothers and they are all residing separately. They are in separate cultivating possession of their separate parcels of agricultural land. At about 6.30 PM, Sohan Singh, Nirmal Singh, Jagar Singh and their relatives Pal Singh and Blawinder Singh came on an Eicher tractor of sky blue colour driven by Balwinder Singh. They had come with the intention to take possession of complainants' land, which was measuring about 7 Bighas.



They ploughed their standing crop i.e. the stalks of wheat crop, which the complainants had intended to cut for using it as dry fodder (Turri). However, the accused ploughed the crop. Then, they also ploughed 2½ Bighas land of complainant's uncle Gurmail Singh. They have suffered loss due to this. The accused ran away with their weapons on seeing the complainant along with other persons and threatened them. There was talk of compromise between the two sides, but now it has now failed. On this information, FIR (supra) was got registered.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with his able assistance, it transpires that all the witnesses in the present case are related and interested in each other's case and they have the motive to depose against the accused/private respondents because of pendency of civil and criminal litigations between them and accused. Therefore, their testimonies are highly doubtful. Further, the possession of the informant on a separate portion of land is not established, therefore, it is not possible to hold that specific crop belonging to the informant might have been damaged by the accused/private respondents. Moreover, there is no bill of seeds nor any other document has been placed on record, from which value of damage can be calculated. As such, only vague allegations have been levelled against the private respondents and the prosecution has failed to prove its case beyond the reasonable shadow of doubt.

4. 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. (*See H.D. Sundara and others vs.*



State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. 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* passed 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 discussion above, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference. Accordingly, the present revision petition is dismissed.

January 09, 2025
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(HARPREET SINGH BRAR)
JUDGE

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