



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

**CRM-41823-2023 in/and
CRR-2241-2023 (O & M)
Date of decision: 21.01.2025**

AJINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arshdeep, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-41823-2023

Present application has been filed under Section 5 of Limitation Act, 1963 seeking condonation of delay of 523 days in filing the present revision petition.

For the reasons mentioned in the application, same is allowed.

Delay of 523 days in filing the revision petition is hereby condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 19.10.2016 passed by learned Judicial Magistrate Ist Class, Jalalabad as well as impugned judgment dated 03.02.2020 passed by learned Additional Sessions Judge, Fazilka, whereby respondent Nos.2 to 5 have been acquitted by both the Courts below.

2. The prosecution version is that on 27.12.2012, ASI Ranjit Singh alongwith the police officials was on patrolling in the area of village Dharmu

Wala, the complainant got recorded his statement to the effect that he is



**CRM-41823-2023 in/and
CRR-2241-2023 (O & M)**

2

resident of village Mastu Wala, PS Sadar Jalalalabd and presently working as a Gunman to the DC, Ferozepur. He has stated that he is owing land measuring 40 *kanals* 7 *marlas* in the village Jodha Bhani, Dakhli Fattu Wala, out of which, 35 kanals has been inherited from his father namely Balwant Singh and land measuring 5 kanals 7 marla in Rect. no.32, Killa no.7/2(2-13), 14 min(2-14) has been purchased from Balbir Singh and Gurdeep Singh sons of Bahal Singh, resident of village Fattu Wala in the year 2009 and possession was delivered to him at the spot. On 15.11.2012, the land measuring 40 *kanals*, 7 *marlas* was given on lease to Harpal Singh son of Shamsheer Singh for six months and they have cultivated the wheat crop in the land. It is stated that on 24.11.2012, servant of Harpal Singh informed him on telephone that Puran Singh son of Jattu Singh (respondent No.1 herein) has damaged the wheat crop, after moving the tractor in the field, along with cultivator. On this, complainant along with his brother Kartar Singh went to spot around 8:00 PM, then Ranjit Singh son of Puran Singh (respondent No.3 herein) armed with *dang*, Waziran Bai wife of Puran Singh (respondent No.4 herein) armed with *dang*, Piara Singh son of Bahadur Singh (respondent No.5 herein) were making *Vatt* in his land and accused/respondent No.2 Puran Singh was ploughing the wheat crop sown in Rect. No.32, Killa no.7/2(2-13), 14 min(2-14). When his brother Kartar Singh and Jaswant Singh came forward to stop them, then all the accused persons raised the *lalkara* for getting hold upon them and giving the lesson. Under the threat, they moved on back foot and all the accused destroyed their wheat crop. The motive behind the occurrence was that accused Puran Singh is alleging that he has an agreement to sell in his favour regarding the land and he has also filed a suit for getting the sale deed executed. It is



**CRM-41823-2023 in/and
CRR-2241-2023 (O & M)**

3

stated that accused Puran Singh along with other persons wanted to take possession of the suit land. On this information, FIR (*supra*) was got registered.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that at the time, when occurrence took place, the land in dispute was not in possession of the petitioner, as he leased out the same to one Harpal Singh along with the land inherited from his father. Further, Harpal Singh never made any complaint qua the entry of the accused in the land in dispute. Even, he has not been cited as witness of the prosecution and the investigating officer also not recorded his statement. Furthermore, there is a delay of more than one month in lodging the FIR (*supra*), the reason of which has been explained that there was a talk for the compromise among the *panchayat*, however, no person from *panchayat* has been examined to explain the delay. 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



CRM-41823-2023 in/and
CRR-2241-2023 (O & M)

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 Courts below, which warrants any interference. Accordingly, the present revision petition is dismissed.

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

January 21, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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