

2026:PHHC:073693



S
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-14938-2015
CRM-A-805-MA-2015 in/and
CRA-AS-84-2026
Date of decision: 11.05.2026

NAND LAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Daman Jeet, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. G.S. Sandhu, Advocate for respondents No. 2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

CRM-14938-2015

Application is allowed as prayed for.

CRM-A-805-MA-2015

The present application filed under Section 378(4) Cr.P.C. seeking leave to file the appeal against the impugned judgment dated 07.02.2015 passed by the Judge, Special Court, Bathinda.

For the reasons mentioned in the application and leave to appeal is granted to the applicant to challenge the impugned judgment dated 07.02.2015 passed by the Judge, Special Court, Bathinda.

Appeal be registered and the same is taken up on Board today itself for arguments.

CRA-AS-84-2026

The present appeal has been preferred by the complainant against the judgment dated 07.02.2015 passed in Sessions Case File No.99 of 2014 pertaining to complaint under Section 3, 5 and 7 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323 read with Section 34 of the Indian Penal Code, 1860 whereby the respondent-accused persons had been acquitted by the Judge, Special Court.

2. Briefly summarised, the facts of the present case are that the appellant-complainant instituted a complaint against respondents-accused Bhupinder Kaur and Harbir Singh alleging commission of offences punishable under Sections 3, 5 and 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as under Sections 323 and 34 of the Indian Penal Code, 1860. It was alleged in the complaint that the appellant belongs to the "Chamar" community, which is recognised as a Scheduled Caste, whereas the respondents-accused belong to a higher caste.

The respondent-accused No.1, namely Bhupinder Kaur, was serving as Head

Mistress in the same school where the appellant-complainant was working as a teacher. As per the allegations, respondent-accused No.1 had earlier falsely implicated the appellant-complainant in a criminal case under Sections 354 and 323 IPC by concocting a fabricated story against him. It was further alleged that on 18.03.2011, when the appellant-complainant had come to attend Court proceedings and was present in the Court complex at about 10:00/10:15 AM along with Sukhminder Singh and another person, the respondents-accused became enraged and, without any provocation, started abusing and humiliating him by referring to his caste. The complaint further alleged that respondent-accused No.1 uttered caste-related remarks against the appellant and exhorted respondent-accused No.2, namely Harbir Singh, to teach him a lesson. Thereafter, respondent-accused No.2 caught hold of the collar of the appellant-complainant and also uttered derogatory and humiliating caste-based remarks against him. It was specifically alleged that the respondents-accused intentionally insulted and humiliated the appellant-complainant by using caste-related abuses within the precincts of the Court complex and in the presence of several persons, thereby causing humiliation and intimidation to the appellant on account of his caste identity. The complainant thereafter made an attempt to pacify the circumstances and objected to such conduct, however, the respondent-accused No.1 as well as respondent No.2 uttered the following words:-

*“Chuhria Chmara Dehda Tu Sadi Brabri Karn Di
Koshish Na Kar, Teri Ayani Himat Tun Sade Nal Juban Lurianda
Hai Tera Kam Sadian Jutian Saf Karna Hai Ate Tu Apni Oukat
Na Bhul Nahi Tan Tera Oh Hal Kar Dyange Ke Tun Yad
Rakhega” and accused No.2 continued to call the complainant by
his caste and abusing and said “Sarkar Ne Tera Vergey Chuhrian*

Chamaran Nu Aive Sir Chara Rakhia Hai Par Main Tenu Teri Oukat Dikha Ke Rahuga Ate Tera Oh Hal Kar Daynga Ki Tun Apne Aap Hi Sadi Gulami Karn Lag Javenga." The complainant objected to the said wording and requested him not to indulge into the said immoral and illegal acts and not to insult the complainant at the public place. The accused again in an attempt to cause physical assault to the petitioner gave kick blow on his person in the court premises in public place and uttered " Tusi Sade Pairan Te Hi Change Lagde Ho Ate Kutian Chuhria Chamara Tu Apna Sir Mere Pairan Te Rakh Ke Mafi Mang Lai". By saying this the accused pushed the complainant to one side and persons present there raised huge and cry. On hearting noise of persons, accused again uttered the defamatory language towards the complainant by saying that "Chuhria Deheda Apni Okat Na Bhul Tu Chuhra Hai Ate Chuhra Hi Raheynga Ate Sadi Rees Karna Chuhrian De Kam Nai Hai Teri Ki Okat Hai Asin Tenu Sidha Kar Dainge". The persons present at the public place including Darshan Singh Budh Ram and Baljinder Kumar objected to same and told him that if he did not stop this the people will see them, then accused run away from the place of occurrence while uttering that they would not stop and they would ruin the complainant and his family. The complainant reported the matter to police post, court complex, but no action was taken till today. The cause of occurrence is that accused belongs to higher caste. They want to compel the complainant to serve them and with the same motive accused No.1 also got implicated the complainant in false criminal case. Now they are bent upon for ruining the services of the complainant. The accused called the complainant by caste and abused the complainant in the name of his caste and character by giving in the public street have injured the sentiments of complainant. They committed the offence under Sections 3, 5 and 7 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323,34 of IPC."

3. In support of the complaint, the appellant-complainant led preliminary evidence wherein CW-1 Baljinder Kumar, CW-2 Budh Ram, CW-3 Darshan Singh and CW-4 complainant Nand Lal were examined. The complainant also tendered into evidence his Scheduled Caste certificate, which was exhibited as Ex.C1. Upon consideration of the preliminary evidence adduced on record, the trial Court found sufficient grounds to proceed against the respondents-accused and, vide order dated 02.01.2012, summoned them to face trial for offences punishable under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. After securing the presence of the respondents-accused, the learned Judicial Magistrate First Class, Bathinda, vide order dated 31.07.2012, committed the present case to the Court of Sessions, Bathinda, and was then entrusted to Special Judge, Bathinda.

5. Upon consideration of the material available on record and the evidence led by the complainant, the trial Court found that a prima facie case for commission of offence punishable under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was made out against the respondents-accused. Consequently, charge was framed against them, to which they pleaded not guilty and claimed trial.

6. After framing of charge, the complainant proceeded to lead evidence in support of the prosecution case. Darshan Singh, stated to be an eye-witness to the occurrence, was examined as PW-1. The complainant himself stepped into the witness box as PW-2, while Baljinder Kumar and Budh Ram were examined as PW-3 and PW-4 respectively. The complainant

also tendered into evidence his Scheduled Caste certificate, which was exhibited as Ex.P-1. Upon conclusion of the aforesaid evidence, the complainant closed his evidence.

7. Thereafter, the entire incriminating evidence appearing against the respondents-accused was put to them and their statements under Section 313 Cr.P.C. were recorded. The respondents-accused denied all the allegations levelled against them and disputed the prosecution evidence in its entirety. They pleaded innocence and asserted that they had been falsely implicated owing to the proceedings earlier initiated against the appellant-complainant. In defence, the respondents-accused also examined Sukhmander Singh as DW-1.

8. After hearing the parties at length and upon appraisal of the oral as well as documentary evidence brought on record, the trial Court returned a finding that the complainant had failed to establish the allegations levelled against the respondents-accused beyond reasonable doubt. The trial Court observed that the presence of the prosecution witnesses at the place of occurrence was not satisfactorily proved and that the said witnesses appeared to have been introduced subsequently in order to support the version put forth by the complainant.

9. The trial Court further noticed circumstances indicating that the complaint appeared to have been instituted with mala fide intent and as a retaliatory measure against respondent-accused No.1, namely Bhupinder Kaur, who had earlier initiated criminal proceedings against the appellant-complainant culminating in registration of FIR No.98 dated 26.09.2009. Upon consideration of the overall circumstances and the inconsistencies emerging

from the prosecution evidence, the trial Court acquitted the respondents-accused of the charges framed against them. Aggrieved thereof, the present appeal has been preferred by the appellant-complainant.

10. Learned counsel appearing on behalf of the appellant-complainant vehemently contends that the learned Special Court, Bathinda gravely erred in disbelieving the testimonies of the witnesses examined by the complainant. It is submitted that the witnesses cited by the complainant were natural witnesses and co-villagers who had accompanied the appellant to the Court premises and there existed no justifiable reason for the learned trial Court to discard their testimonies merely on conjectural assumptions.

11. Learned counsel further contends that the occurrence in question had taken place within the precincts of the Court complex and that the prosecution witnesses had consistently and categorically corroborated the allegations levelled by the appellant-complainant regarding the caste-based abuses and humiliating remarks uttered by the respondents-accused in public view. It is contended that once the complainant as well as the supporting witnesses had uniformly supported the prosecution version and specifically deposed regarding the caste-related insults hurled against the appellant, the essential ingredients constituting the offence under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 stood duly established. It is thus argued that the Special Court failed to properly appreciate the oral evidence available on record and wrongly discarded trustworthy testimonies on untenable grounds, resulting in an erroneous acquittal of the respondents-accused. Learned counsel accordingly prays that the impugned judgment of acquittal be set aside and the

respondents-accused be convicted in accordance with law.

12. During the course of arguments, learned counsel appearing on behalf of the appellant-complainant was asked to refer to the deposition of PW-2 Nand Lal, namely the complainant himself, to substantiate the assertion that PW-1 Darshan Singh, PW-3 Baljinder Kumar and PW-4 Budh Ram had accompanied him to the Court premises at the time of the occurrence. Upon taking this Court through the testimony of PW-2 Nand Lal-appellant/complainant, learned counsel fairly conceded that there is no specific reference in the deposition of the complainant to the effect that PW-1 Darshan Singh, PW-3 Baljinder Kumar and PW-4 Budh Ram had accompanied him to the Court complex or were present along with him at the relevant time when the caste-based remarks were uttered by the respondents-accused.

13. Learned counsel for the appellant was further called upon to refer to the testimonies of the prosecution witnesses in order to demonstrate that the said witnesses had, in their respective depositions, specifically stated that they had accompanied the appellant-complainant Nand Lal to the Court complex on 18.03.2011 in connection with Court work and were thus present at the place of occurrence. Although learned counsel took this Court through the statements of the prosecution witnesses appended on record, he was unable to point out any specific portion of the examination-in-chief of PW-1 Darshan Singh, PW-3 Baljinder Kumar or PW-4 Budh Ram wherein they had deposed to the effect that they had accompanied the appellant-complainant to the Court premises on the date of the occurrence or that they had reached the spot along with him.

14. Learned counsel for the appellant was further asked to refer to the testimonies of the prosecution witnesses with respect to the specific nature of work or purpose for which the said witnesses had come to the Court premises on the date of occurrence. However, despite taking this Court through the depositions available on record, learned counsel is unable to point out any portion either in the examination-in-chief or in the cross-examination of the prosecution witnesses which could indicate the nature of the work that PW-1 Darshan Singh, PW-3 Baljinder Kumar or PW-4 Budh Ram had come to attend in the Court complex on 18.03.2011.

15. A specific query was also put by this Court to learned counsel for the appellant as to whether any judicial proceedings had been instituted by the said witnesses or were pending in close proximity to the alleged date of occurrence and/or with which the aforesaid prosecution witnesses were in any manner associated, connected or concerned, so as to probabalise their presence in the Court complex on 18.03.2011. However, learned counsel for the appellant was unable to refer to any pleading, document, order-sheet or material available on record from which it could even remotely be inferred that any case, proceeding or litigation concerning the said witnesses, or in which they had any participation or interest, was pending before the Court on the relevant date. No material has thus been brought to the notice of this Court to corroborate the presence of the prosecution witnesses in the Court premises at the relevant time under normal circumstances or to lend assurance to the version sought to be projected by the appellant-complainant.

16. Learned counsel appearing on behalf of respondent No.2-accused persons has opposed the present appeal and contends that the complaint in

question was falsely instituted by the appellant-complainant as a counterblast to the earlier proceedings initiated against him by respondent-accused No.1 Bhupinder Kaur.

17. Learned counsel submits that a bare perusal of the allegations levelled in paragraph No.4 of the complaint itself reveals that the appellant-complainant had specifically asserted that at the time of the alleged occurrence he was accompanied by one Sukhminder Singh and certain “unknown persons”. It is contended that the witnesses subsequently examined by the complainant, namely PW-1 Darshan Singh, PW-3 Baljinder Kumar and PW-4 Budh Ram, admittedly belonged to the same village and were admittedly known to the appellant much prior to the alleged incident. In such circumstances, there was no plausible reason for the appellant-complainant to describe them as “unknown persons” if they were actually present at the spot at the relevant time. Significantly, PW-4 Budh Ram is nephew of the petitioner, hence, there was no reason to not specifically name him in the complaint.

18. Learned counsel thus contends that the expression “unknown persons” used in the complaint has subsequently been exploited by the appellant in order to introduce witnesses of his own choice at a later stage so as to strengthen an otherwise doubtful prosecution story. It is further contended that Sukhminder Singh, who was specifically named by the appellant-complainant in the complaint as having accompanied him at the time of the alleged occurrence, did not support the prosecution version. Rather, while appearing in defence, the said witness categorically stated that no such incident, in the manner alleged by the appellant, had taken place in

the Court premises on 18.03.2011.

19. Learned counsel further submits that the presence of the prosecution witnesses at the place of occurrence was itself highly doubtful. It is submitted that PW-1 Darshan Singh admitted that his wife was admitted in the hospital at the relevant time and there was no specific work pending for him in the Court premises. Counsel contends that it appears wholly improbable that the said witness would leave his admitted wife unattended merely to accompany the appellant-complainant to Court without any discernible purpose. Similarly, insofar as PW-3 Baljinder Kumar is concerned, learned counsel submits that he was admittedly running a kiriyana shop and there existed no compelling reason for him to close his business establishment and accompany the appellant-complainant to the Court premises without any specific purpose or pending work.

20. Learned counsel further contends that the trial Court has examined the evidence of all the prosecution witnesses from every possible angle and has rightly recorded a finding that the presence of the prosecution witnesses in the Court complex on the date of the occurrence was highly doubtful and had not been proved beyond reasonable doubt. It is thus submitted that the findings recorded by the trial Court are based upon proper appreciation of evidence and do not suffer from perversity or illegality warranting interference in appeal against acquittal. Learned counsel accordingly prays for dismissal of the present appeal.

21. Learned counsel for the respondents-accused further contends that although the occurrence is stated to have taken place on 18.03.2011 within the precincts of the Court complex itself, no report regarding the caste-based

abuses or humiliation was made either to the police authorities or to the concerned Court on the very same day. It is submitted that admittedly the complaint in question came to be instituted only after a delay of approximately three days. Learned counsel submits that had the incident actually occurred in the manner alleged by the appellant-complainant, there was no plausible reason for him not to immediately approach either the Presiding Officer of the Court where the proceedings were pending or the police authorities stationed nearby, particularly when the occurrence is stated to have taken place in a public place within the Court premises itself.

22. It is contended that the absence of any immediate protest, contemporaneous complaint or prompt reporting of the incident creates a serious dent in the credibility of the prosecution version and probabalises the defence plea that the allegations were subsequently conceived as an afterthought and as a retaliatory measure against the respondents-accused on account of earlier proceedings initiated against the appellant-complainant. Learned counsel further submits that it was after considering all these surrounding circumstances, including the doubtful presence of the prosecution witnesses and the delayed institution of the complaint, that the Special Court, Bathinda disbelieved the prosecution version and recorded an order of acquittal in favour of the respondents-accused. It is thus argued that the findings recorded by the trial Court are based upon a proper and plausible appreciation of the evidence available on record and do not warrant interference in an appeal against acquittal.

23. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the judgment impugned herein.

24. Before proceeding further into the matter, it would be apposite to make a reference to the discussion made by the Judge, Special Court, Bathinda. The same reads thus:-

“15. From submissions of the learned counsel for the parties and from perusal of judicial file, it came to my notice that Nand Lal submitted a complaint against Bhupinder Kaur and Harbir Singh under Section 3, 5 and 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323,34 of IPC. In para No.4 of the complaint, it is submitted that " Today i.e. 18.3.2011 the complainant came to appear in the case. It was also 10/10.15 AM when accused along with retired teacher Sukhmander Singh and unknown person was present in the court complex. When complainant entered the building of court complex, the accused got furious and uttered.....

From here word today i.e. meaning 18.3.2011 it means that complaint was prepared on same day i.e. 18.3.2011 but from perusal of file it came to my notice that complaint was submitted before CJM, Bathinda on 21.3.2011. PW2 Nand Lal was cross examined. He stated in his cross examination that para No.4 of the complaint from Mark A to A1. He denied that complaint was typed on 18.3.2011 itself. PW2 Nand Lal in his cross examination stated that he asked his advocate to file complaint on the next day, it means he asked the complainant to file complaint on 19.3.2011. PW3 Baljinder Kumar stated that the present complaint was filed about 15/20 days after the occurrence. So there is material contradiction regarding filing of complaint.

16. The complainant examined PW1 Darshan Singh, PW3 Baljinder Kumar and PW4 Budh Ram to support the prosecution version, but their presence at the place of incident is doubtful. PW1 Darshan Singh admitted that he is neighbourer of the complainant. He had no litigation pending in the court on

that day i.e. 18.3.2011. He also stated that his wife was admitted in the hospital but he has not brought any such record on the file that his wife is admitted. If for the sake of arguments, it is presumed that his wife was admitted in hospital, he will not leave his wife at the hospital and will not come to the place of occurrence on 18.3.2011. PW3 Baljinder Kumar also stated that he is neighbourer of complainant Nand Lal. He is running a Karyana shop. If he was running Karyana shop he would not come to the court that day i.e. 18.3.2011 after closing his shop when he had no work at court complex Bathinda. So his presence at the spot is also doubtful. PW4 Budh Ram also stated that he is real nephew of complainant. No litigation involving him was pending in the court on that day i.e. 18.3.2011. So from statements of these witnesses it is clear that they would not come with the complainant after leaving their work to the court complex when they had no work at court complex, Bathinda.

17. *Moreover, PW1 Darshan Singh, PW3 Baljinder Kumar and PW4 Budh Ram have not stated that matter was reported to Presiding Officer of Court No. 9 at Bathinda. If any incident had taken place, the matter would have been brought to the notice of Presiding Officer as it is admitted fact that Nand Lal, Bhupinder Kaur and Harbir Singh attended the court on that day i.e. 18.3.2011. The witnesses of the complainant stated that matter was reported to police post at court complex in the written form but that complaint which is submitted to police post, court complex is not brought on the file. There are only statements of these witnesses in ocular form. PW1 Darshan Singh stated in his cross examination that they did not inform the advocate of the complainant after the occurrence. PW2 Nand Lal stated in his cross examination that he filed an application with the police. Thereafter he went to his advocate. There is contradiction in the statements of both the witnesses. PW2 Nand Lal stated in his cross examination that from the court room, they went to police post where he filed an application. PW4 Budh Ram stated that*

they went to the chamber of advocate of complainant Nand Lal and narrated whole occurrence to him. He also stated that learned counsel advised them to move a written application to the police. They scribed application in the form of complaint after sitting in the chamber of counsel. Thereafter they went to police post. So there is material contradiction regarding moving of application to police regarding the occurrence. PW2 Nand Lal stated that he moved an application in the written form to police, but no such document is brought on the file.

18. *The complainant submitted that accused No.1 and accused No.2 uttered words against the caste of the complainant. From para No. 5 to 7 of the complaint, it is clear that accused uttered six sentences against the caste of the complainant in the presence of 100/150 persons. Moreover, as per complainant, accused No.2 caught hold the complainant from collar of his shirt and pushed and kicked to him. But as per statement of PW2 he was not medically examined regarding injuries caused by the accused. Moreover his shirt was not torn, so story of complainant seems to be false. Moreover, as per version of complainant, PW1 Darshan Singh PW3 Baljinder Kumar and PW4 Budh Ram were present at the spot. The story of complainant seems to be false when none of these witnesses tried to save the complainant from the accused.*

19. *Moreover, it is admitted fact that one FIR No. 98 dated 26.9.2009 was registered against Nand Lal. under Sections 353, 186, 506 of IPC at Police Station Nehian Wala. The admitted fact need not to required to be proved. Complainant Nand Lal implicated the accused in false case in order to put pressure upon them so that the accused could withdraw the State case against him. DW1 Sukhmander Singh stated that no occurrence took place on 18.3.2011. He was cross examined at length. The learned counsel for complainant want to put the main stress that he being ex-employee of Government High School,*

Nehian Wala and he was on visiting terms in the house of Bhupinder Kaur. But his statement seems to be trustworthy to the extent that no incident took place on 18.3.2011 in the court premises. The statement of witness cannot be discarded on the mere fact that he worked with the accused and he was on visiting terms in the house of accused. The authorities cited by learned Counsel for complainant are not applicable in this case because the facts of this case are different.

25. A perusal of the record and the evidence noticed above clearly reveals that the witnesses introduced and examined by the appellant-complainant were not specifically named in the complaint which merely referred to the presence of Sukhminder Singh and certain “unknown persons” at the spot. However, during the course of trial, PW-1 Darshan Singh, PW-3 Baljinder Kumar and PW-4 Budh Ram were seemingly introduced as eye-witnesses to the occurrence, despite the fact that they undisputedly knew them and all of them belonged to the same village. This Court finds substance in the reasoning given by the trial Court that had the aforesaid persons actually been present at the place of occurrence on 18.03.2011, there was no plausible reason for the appellant-complainant not to specifically mention their names in the complaint itself. The omission assumes greater significance because one of the witnesses, namely PW-4 Budh Ram, was admittedly the real nephew of the appellant-complainant. It appears highly improbable that the appellant would remain unaware of the presence of his own nephew at the alleged place of occurrence or fail to mention his name if he had genuinely witnessed the occurrence.

26. Further, learned counsel for the appellant was repeatedly called upon to point out from the evidence the circumstances under which the

aforesaid prosecution witnesses had come to the Court premises on the relevant date. However, neither the appellant-complainant nor any of the prosecution witnesses were able to establish that they had any independent work, litigation, proceeding or official purpose pending before the Court on 18.03.2011. No material has been brought on record to demonstrate that their presence in the Court complex was natural, probable or occasioned by any genuine requirement. The trial Court has rightly examined the personal circumstances of each witness before arriving at the conclusion that their presence at the place of occurrence was doubtful and highly suspect. Insofar as PW-4 Budh Ram is concerned, apart from being closely related to the appellant-complainant, he admittedly had no litigation or work pending before the Court on the date of occurrence. Similarly, no satisfactory explanation was forthcoming from PW-1 Darshan Singh or PW-3 Baljinder Kumar regarding the necessity of their presence in the Court premises.

27. Significantly, neither the appellant-complainant nor any of the witnesses deposed that they had accompanied the appellant on 18.03.2011 in order to support him in the criminal proceedings pending against him. No explanation whatsoever has been furnished regarding the circumstances in which all these witnesses happened to be present together at the relevant place and time. The burden squarely lay upon the appellant-complainant to establish that the said witnesses were natural witnesses whose presence at the place of occurrence was probable and genuine. The appellant has failed to discharge the said burden.

28. Another circumstance rightly noticed by the trial Court pertains to the unexplained delay in institution of the complaint. Admittedly, the

occurrence is stated to have taken place on 18.03.2011 within the precincts of the Court complex itself, yet no complaint was made either to the concerned Court or to the police authorities immediately thereafter. The appellant-complainant approached the Court for the first time only on 21.03.2011 by way of the present complaint.

29. The conduct of the appellant-complainant does not inspire confidence. Had the incident actually occurred in the manner alleged, the normal and natural human conduct would have been to immediately report the matter either before the concerned Presiding Officer, the Court authorities or the nearby police officials. The complete absence of any contemporaneous protest or immediate reporting creates a serious dent in the prosecution version and renders the allegations highly doubtful. No satisfactory or reasonable explanation has been furnished by the appellant regarding the delay in filing the complaint. In the peculiar facts and circumstances of the present case, where the very presence of the prosecution witnesses at the spot is doubtful and suspect, such unexplained delay assumes considerable significance and materially weakens the veracity of the allegations levelled by the appellant-complainant.

30. I am of the opinion that the appellant-complainant has failed to lead any cogent, reliable and convincing evidence so as to establish that the witnesses subsequently examined during trial were actually present at the place of occurrence and had witnessed the alleged incident in the manner sought to be projected by the prosecution. The conclusions recorded by the trial Court to the effect that the said witnesses appeared to have been introduced at a later stage are neither arbitrary nor conjectural, but are founded

upon an objective and careful assessment of the evidence available on record.

The trial Court has rightly appreciated the material inconsistencies and improbabilities emerging from the prosecution case while evaluating the credibility and presence of the eye-witnesses.

31. Further, it is significant to notice that the only person specifically named in the complaint as having accompanied the appellant-complainant at the time of the occurrence, namely Sukhmander Singh, did not support the prosecution version at all. On the contrary, the said witness stepped into the witness box as DW-1 on behalf of the defence and categorically denied the occurrence of any such incident in the manner alleged by the appellant-complainant on 18.03.2011 within the Court premises. The testimony of DW-1 assumes considerable importance because unlike the other witnesses subsequently introduced by the complainant, Sukhmander Singh was specifically named in the complaint itself as being present at the spot. Had the occurrence genuinely taken place in the manner alleged, the natural expectation would have been that the said witness would corroborate the version of the appellant-complainant. However, the said witness not only failed to support the complainant but specifically denied the prosecution allegations altogether.

32. The aforesaid circumstance materially erodes the credibility of the prosecution version and lends substantial support to the defence plea that the allegations were subsequently conceived and exaggerated as a retaliatory measure against the respondents-accused. The Judge, Special Court, Bathinda has thus rightly appreciated the evidentiary value of the testimony of DW-1 while assessing the overall credibility of the prosecution case. The

conclusions drawn by the learned trial Court are based upon a comprehensive analysis of the oral as well as documentary evidence available on record and cannot by any stretch of imagination be termed as perverse, arbitrary or legally unsustainable.

33. It is a settled principle of criminal jurisprudence that where two views are possible on the basis of the evidence available on record, the view favouring the accused deserves to be adopted, particularly in an appeal against acquittal. The presumption of innocence available to an accused stands further strengthened by an order of acquittal and unless the findings recorded by the trial Court are shown to be manifestly illegal, wholly unreasonable or perverse, interference by the appellate Court is not warranted.

34. In the present case, this Court finds that the view taken by the learned Judge, Special Court, Bathinda is a plausible and well-reasoned view based upon proper appreciation of the evidence on record and does not call for any interference.

35. Finding no illegality, perversity, impropriety, misreading or misappreciation of the evidence on record, this Court is unable to persuade itself to accept the submissions advanced by learned counsel for the appellant that the learned Judge, Special Court, Bathinda committed any error in appreciation of the evidence or in recording the findings of acquittal in favour of the respondents-accused. The conclusions arrived at by the trial Court are based upon a proper, objective and comprehensive evaluation of the oral as well as documentary evidence available on record and represent a plausible view arising therefrom. The appellant-complainant has failed to point out any material infirmity or patent error warranting interference by this Court in

exercise of appellate jurisdiction against an order of acquittal. Consequently,

finding no merit in the present appeal, the same stands dismissed.

MAY 11, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No