



CRM-A-509-MA-2014

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

**CRM-A-509-MA-2014**

Date of Decision: 22.04.2025

Vedpal

..... Applicant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Vijay Kumar Sheoran, Advocate, for the applicant.

Mr. Vijesh Sharma, Addl. AG, Haryana.

Mr. Lokendra Singh, Advocate for

Mr. Jagdeep Singh Rana, Advocate, for  
respondents No.2 to 12.**Rajesh Bhardwaj, J.**

1. The applicant has filed the present application under Section 378(4) Cr.P.C. for grant of leave to file an appeal against the impugned order dated 01.02.2014 passed by learned Sub Divisional Judicial Magistrate, Loharu, whereby, the trial Court has acquitted the respondents accused in a complaint under Sections 147, 148, 149, 323, 452, 447, 427, 506 IPC read with Section 34 IPC.

2. It has been contended by learned counsel for the applicant that the applicant before this Court is the complainant, who lodged the complaint under Sections 147, 148, 149, 323, 452, 447, 427, 506 IPC read with Section 34 IPC against the respondents-accused. It is contended that brother of the complainant Bijender had taken the Wakf land on lease, however, the respondents were also claiming their right on the same and on account of the same there was a rivalry between the applicant and the respondents. It is on account of the same, the respondents in conspiracy



with each other attacked the complainant and their women folks in the family on 05.07.2011 after entering into their house. He has contended that accused Mahabir hit the complainant with the *lathi*, Subhash hit him on the right shoulder, accused Pawan and Mahender hit him on his back with *lathis* and accused Balwan hit him on chest with *lathi*. Accused Kamlesh hit Kavita with *danda* on thigh, accused Ritesh hit her on chest with *danda*, accused Manjeet hit her on neck with *danda* and accused Babu Lal hit her on abdomen. It is submitted that the complainant approached the police for registering the case, however, the police did not take any action against the accused and hence, the present complaint was filed. It is submitted that in the preliminary evidence, the complainant examined himself as CW-1, Kavita wife of Vijender as CW-2, Kamal Singh as CW-3 and Dr. Gaurav Chaturverdi as CW-4. Besides this, documentary evidence was also led. He submits that in the pre-charge evidence, the complainant has appeared as PW-1, Kamal Singh as PW-2, Kavita as PW-3 and Dr. Gaurav as PW-4. He submits that accused also produced their evidence in their defence, however, learned trial Court has miserably failed to appreciate the evidence produced by the complainant and thus, has drawn a wrong conclusion in acquitting the respondents-accused. It is submitted that the respondents had clear motive to attack the complainant as civil dispute with regard to Wakf land was already pending. The specific allegations were made against the accused and the injuries suffered by the complainant side were also corroborated by the medical evidence produced. He submits that as no FIR was registered by the police, the applicant filed the present complaint. He submits that learned trial Court has misread the evidence led by the



complainant and thus, there is perversity in the findings arrived at by the trial Court. He, thus, submits that the impugned order acquitting the respondents accused being perverse in nature deserves to be set aside by allowing the present application under Section 378(4) Cr.P.C. by granting special leave to the applicant for filing an appeal.

3. The Court has heard learned counsel for the applicant and perused the record. It is deciphered from the arguments advanced that both the parties are involved in a civil litigation over a Wakf property. The alleged occurrence had taken place on 05.07.2011 at about 10:00 a.m. to 10:30 a.m. Complainant relied upon the evidence of the witnesses Vedpal and Kavita examined as PW-1 and PW-2, respectively. From weighing the evidence produced by both the sides, it has come on record that FIR No.103 dated 08.07.2011 was registered against the complainant side, which was exhibited as Ex.D6. MLR of accused Mahender Singh was exhibited as Ex.D2, whereas that of Kamlesh as Ex.D1. Both these accused were admitted in CHC Loharu at 10:15 a.m. However, they were also arrayed as accused in the present complaint. The time of occurrence in the present case and that of the admission of both these accused in Hospital is same and thus, their presence in the present occurrence was found seriously doubtful. Further evidence PW-2 Kavita, who was produced as eye witness, is also found doubtful on the appreciation of her deposition in the Court. Documentary evidence produced found the case of the prosecution full of doubts regarding the alleged occurrence. Besides this, a delay of three months was also found in instituting the complaint as the alleged occurrence had taken place on 05.07.2011, whereas, the complaint was filed on



05.10.2011. Needless to say that as per the law settled the prosecution has to prove its case beyond the reasonable doubt. Finding the case not having been proved beyond reasonable doubt, learned trial Court acquitted the respondents accused. The present leave to appeal has been sought against the same. As per law settled, the higher Court can intervene in the case of acquittal only in case there is a perversity in the finding arrived at. Simply on the reason that there is another view also possible, is not sufficient enough to reverse the acquittal arrived at by learned trial Court. As per the criminal jurisprudence, every accused is presumed to be innocent until proven guilty. As per the law settled by Hon'ble Supreme Court, once the accused is acquitted by the Court of law, there lies double presumption of innocence in his favour. Hence, an Appellate Court should not disturb the findings of acquittal arrived at by the trial Court in a cavalier manner and it is only in case of perversity of the findings, the Appellate Court should interfere in the acquittal order passed by the trial Court. In **Jafarudheen and others vs State of Kerala** 2022 SCC Online SC 495, it is held that Appellate Court has to be relatively slow in reversing order of trial Court rendering acquittal, relevant para of the same reads thus:

“25. While dealing with an appeal against acquittal by invoking Section 378 of the Cr.P.C., the appellate Court has to consider whether the trial Court's view can be termed as a possible one, particularly when evidence on record has been analyzed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the Appellate Court has to be relatively slow in reversing the order of the Trial Court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened



but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”

4. Weighing the facts and circumstances of the present case on the anvil of law settled, this Court finds no perversity in the order passed by the trial Court. Resultantly, the present application for grant of leave to appeal is dismissed.

**22.04.2025**  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

**(RAJESH BHARDWAJ)**  
**JUDGE**

: Yes/No  
: Yes/No