



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

**CRR-2938-2017 (O & M)  
Date of decision: 15.05.2025**

**HARWINDER SINGH**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND ANOTHER**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Ramnish Puri, Advocate for respondent No.2.

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**HARPREET SINGH BRAR, J. (ORAL)**

1.           The present revision petition has been filed against the impugned judgment dated 04.04.2014 passed by learned Judicial Magistrate Ist Class, Amritsar as well as impugned judgment dated 02.05.2017 passed by learned Additional Sessions Judge, Amritsar, whereby respondent No.2 has been acquitted by both the Courts below.

2.           The prosecution version is that on 01.06.2009, the complainant stated that due to some property dispute, his brother i.e. accused quarreled with him and involved him and other four members of family in a false case. Accused further trespassed into his house by breaking the lock and sold the dowry articles of his wife and threatened the petitioner/complainant to not to enter into the said house. Hence, 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 the present case is a counter-blast to case, which was filed by the accused against



the complainant. Further, date of occurrence has not been mentioned in the Ex.PA and bills of the articles or ownership over the articles, which were alleged to have been misappropriated, has not been brought on record. Furthermore, there are material discrepancies in the statements of prosecution witnesses. Furthermore, it has also not been proved that the complainant is the owner or in possession of the property, over which, the alleged offence is said to have been committed. Moreover, no recovery of articles has been effected from the accused. As such, only vague allegations have been levelled against the private respondent and it is the cardinal principal of criminal jurisprudence that charge against the accused has to be proved beyond the reasonable doubt but in the present case, the prosecution has failed to prove the charge against the accused.

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 of *State of Haryana vs. Ankit and others* passed in 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 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.

May 15, 2025  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**

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