

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

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**CRA-S-2551-SBA of 2004
Date of decision:-22.04.2015**

State of Haryana

.....Appellant

vs.

Ghasi Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Rajesh Gaur, Addl. AG. Haryana.

PARAMJEET SINGH, J. (ORAL)

The present criminal appeal has been preferred by the petitioner-State of Haryana against the judgment dated 06.10.1998 passed by the Additional Sessions Judge, Hisar whereby the accused has been acquitted of the charges framed against him in case FIR No.53 dated 01.03.1995 registered under Sections 188, 148, 149, 332, 353, 341, 186, 333, 307 IPC at Police Station Narnaund, Tehsil Hansi, District Hisar.

Learned counsel for the appellant vehemently contended that the name of the accused finds mention in the examination-in-chief of the witnesses. The accused was arrested at the spot as such, his presence has been proved at the site of occurrence.

I have considered the contentions raised by learned counsel for the appellant. A perusal of the cross-examination of

the prosecution witnesses reveals that there was a huge gathering of 2000/3000 people who allegedly belonged to the Bhartiya Kisan Union. Some of the prosecution witnesses who were police officials did not fully identify the accused during trial. The other witnesses namely PW-1, PW-4, PW-9 and PW-11, also police officials, though identified the accused in Court but they also deposed that they did not know the accused or about his parentage. These witnesses further admitted that no test identification parade was ever conducted. The prosecution has failed to prove anything specifically against the respondent as no categorical evidence has come on record against him.

Learned counsel for the appellant has failed to point out any misreading or non-appreciation of material evidence on record. In my view, the trial Court has rightly come to a categorical conclusion that there is no evidence against the respondent, which could lead to his conviction.

In view of the above and the finding recorded by the trial Court, I do not find any ground to interfere in the judgment of the trial Court.

The appeal stands dismissed.

(Paramjeet Singh)
Judge

April 22, 2015
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